JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1942

VOL. I

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

COMMONWEALTH OF KENTUCKY

REGULAR SESSION, 1942

TUESDAY, JANUARY 6, 1942

At a General Assembly of the Commonwealth of Kentucky, begun and held at the Capitol, in the city of Frankfort, on Tuesday, the sixth day of January in the year of our Lord, one thousand nine hundred and forty-two and the one hundred and fiftieth year of the Commonwealth, that being the day fixed by the Constitution for the meeting thereof, W. A. Perry, Clerk of the House of Representatives during the session of the General Assembly last passed, called the House to order and after prayer by Dr. J. J. Rice, Member of the House of Representative from the County of Boyle, produced and read the following certificate from the Secretary of State, viz:

I, GEORGE GLENN HATCHER, Secretary of State of the Commonwealth of Kentucky, do hereby certify that the following is a true and correct copy of the duly elected members of the House of Representatives of the General Assembly of Kentucky elected at the General Election held on November 4th, 1941, and at a special election held on

January 3rd, 1942, for the 1942 Session, according to the records in my office:

1st District—Harry L. Waterfield (D)
2nd District—Joseph J. Grace (D)
3rd District—Wayne W. Freeman (D)
4th District—Henry T. Ward (D)
5th District—W. W. Crouch (D)
6th District—William L. Jones (D)
7th District—Pink G. Curd (D)
8th District—A. L. Love (D)
9th District—B. W. Porter (D)
10th District—Faust Y. Simpson (D)
11th District—L. Allen Rhoads (D)
12th District—Byron H. Royster (D)
13th District—John Henry Cox (D)
14th District—T. Fowler Combs (D)
15th District—C. Sid Nabb (D)
16th District—Sam Milam (D)
17th District—W. H. Hunt (R)
18th District—Crow Jarvis (D)
19th District—Wade H. Riley (D)
20th District—Douglas T. Bolling (D)
21st District—Dr. J. A. Duff (R)
22nd District—C. W. Taylor (R)
23rd District—Coy Nevitt (R)
24th District—A. G. Hamilton, Jr. (R)
25th District—Harry W. Ennis (D)
26th District—W. T. Beard (D)
27th District—J. Lee Moore (D)
28th District—H. A. Ward (R)
29th District—J. Wood Vance (D)
30th District—Egbert V. Taylor (R)
31st District—Clyde S. Howard (D)
32nd District—W. A. Lamkin, Jr. (D)
33rd District—Bert P. Hall (D)

34th District—Robert L. Nicholas (D)
35th District—Joe B. Jarboe, Jr. (D)
36th District—Fuller Harding (R)
37th District—C. R. Walden (R)
38th District—Dr. Wm. C. Mann (R)
39th District—Oris Cooper (R)
40th District—Geo. P. Anderson (R)
41st District—Sherman E. Carter (R)
42nd District—M. A. Cornett (R)
43rd District—Dr. J. J. Rice (D)
44th District—Charles E. Montgomery (D)
45th District—Charles O. Humston (D)
46th District—F. E. Morancy (D)
47th District—Kleber F. Price (D)
48th District—Joe E. Robinson (D)
49th District—J. Milton Mefford (D)
50th District—Harry F. Walters (D)
51st District—Ray Stephenson (D)
52nd District—Robert E. Barry (D)
53rd District—Charles L. Spilman (D)
54th District—Leon J. Shaikun (D)
55th District—Norris McPherson (D)
56th District—Cary B. McDevitt (D)
57th District—James Lovett (D)
58th District—Chas. W. Anderson (R)
59th District—Guthrie F. Crowe (D)
60th District—Herbert Tinsley (D)
61st District—Otto Smither (D)
62nd District—John S. Juett (D)
63rd District—James E. Quill (D)
64th District—S. J. Wagner (D)
65th District—Thomas P. Fitzpatrick (D)
66th District—E. R. Morlidge (D)
67th District—Carl Scheben (D)
68th District—Roy L. Taylor (D)
69th District—Gus A. Brooks (D)

70th District—Hylend Winkle Linville (D)
71st District—H. C. Paterson (D)
72nd District—Howard McCartney (D)
73rd District—Stanley S. Dickson (D)
74th District—Forest C. Easley (D)
75th District—Robert E. Beatty (D)
76th District—E. Reed Wilson (D)
77th District—Thomas M. Swope (D)
78th District—Dr. M. M. Robinson (D)
79th District—Decoursey J. Moore (D)
80th District—John D. Fields (R)
81st District—James D. Stacey (R)
82nd District—L. D. Moore (R)
83rd District—Clyde Smith (R)
84th District—William Floyd Ball (R)
85th District—Ed Marcum (R)
86th District—John L. Trumbo (R)
87th District—Paul Pelfrey (R)
88th District—E. R. Hilton (D)
89th District—Harry King Lowman (D)
90th District—Hugh D. Lyon (D)
91st District—Henry Arrowood (R)
92nd District—Rell Bevins (D)
93rd District—Jerry Fonce Howell (D)
94th District—Erna E. Tyra (D)
95th District—J. Claude Stacy (D)
96th District—Claude L. Clayton (D)
97th District—K. N. Salyer (D)
98th District—Hiram M. Brock, Jr. (R)
99th District—Joe Higgins (D)
100th District—C. C. May (D)

Done at Frankfort, Kentucky, this 6th day of January,

in the year of our Lord, One Thousand Nine Hundred and Forty-Two; and of the Commonwealth, the One Hundred Fiftieth:

GEORGE GLENN HATCHER
George Glenn Hatcher,
Secretary of State,
Commonwealth of Kentucky.

The Assistant Clerk, called the roll and the following members answered to their names, viz.:

C. W. Anderson, Jr.	W. W. Freeman	C. C. May
George P. Anderson	Joseph J. Grace	J. Milton Mefford
Henry Arrowood	Bert P. Hall	Sam Milam
William F. Ball	A. G. Hamilton, Jr.	D. J. Moore
Robert E. Barry	Fuller Harding	J. Lee Moore
W. T. Beard	Joe Higgins	L. D. Moore
Robert E. Beatty	E. R. Hilton	C. E. Montgomery
Rell Bevins	Clyde S. Howard	F. E. Morancy
Douglas T. Bolling	Jerry F. Howell	E. R. Morlidge
H. M. Brock, Jr.	Chas. O. Humston	C. Sid Nabb
Gus A. Brooks	W. H. Hunt	Coy Nevitt
Sherman E. Carter	Joe B. Jarboe, Jr.	Robert Nicholas
C. L. Clayton	Crow Jarvis	H. C. Patterson
T. Fowler Combs	William L. Jones	Paul Pelfrey
Oris Cooper	John S. Juett	B. W. Porter
M. A. Cornett	W. A. Lamkin	Kleber F. Price
John Henry Cox	H. W. Linville	James E. Quill
Rev. W. W. Crouch	A. L. Love	L. Allen Rhoads
Guthrie F. Crowe	William Lovett	Dr. J. J. Rice
Pink G. Curd	Harry K. Lowman	Wade H. Riley
Stanley S. Dickson	Hugh D. Lyon	Dr. M. M. Robinson
Dr. J. A. Duff	H. McCartney	Byron H. Royster
Forest C. Easley	Cary McDevitt	Dr. K. N. Salyer
Harry W. Ennis	Norris McPherson	Carl Scheben
John D. Fields	Dr. Wm. C. Mann	Leon J. Shaikun
T. P. Fitzpatrick	Ed. Marcum	Faust Y. Simpson

Clyde Smith	C. W. Taylor	S. J. Wagner
Otto Smither	Egbert Taylor	C. R. Walden
Charles L. Spilman	Roy L. Taylor	Harry Walters
J. Claude Stacy	Rev. H. Tinsley	H. A. Ward
James D. Stacey	John L. Trumbo	Henry Ward
R. C. Stephenson	Erna E. Tyra	H. L. Waterfield
Thomas M. Swope	J. Wood Vance	E. Reed Wilson

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The oath of office as required by the Constitution was then administered to each and all of said members by The Honorable James W. Cammack, Judge of the Court of Appeals.

The said Clerk then announced that the election of Speaker of the House of Representatives was in order

Mr. Henry Ward named the Honorable Stanley S. Dickson of the County of Bourbon, as a suitable person to fill said office.

Mr. Ball named The Honorable Cass R. Walden as a suitable person to fill said office.

There being no further nominations for the office of Speaker of the House of Representatives, the vote being taken thereon resulted as follows, viz:

For Mr. Dickson:

Robert E. Barry	Rev. W. W. Crouch	Joe Higgins
W. T. Beard	Guthrie F. Crowe	E. R. Hilton
Robert E. Beatty	Pink G. Curd	Clyde S. Howard
Rell Bevins	Forest C. Easley	Jerry F. Howell
Douglas T. Bolling	Harry W. Ennis	Chas. O. Humston
Gus A. Brooks	T. P. Fitzpatrick	Joe B. Jarboe, Jr.
C. L. Clayton	W. W. Freeman	Crow Jarvis
T. Fowler Combs	Joseph J. Grace	William L. Jones
John Henry Cox	Bert P. Hall	John S. Juett

W. A. Lamkin	C. Sid Nabb	Charles L. Spilman
H. W. Linville	Robert Nicholas	J. Claude Stacy
A. L. Love	H. C. Patterson	R. C. Stephenson
William Lovett	B. W. Porter	Thomas M. Swope
Harry K. Lowman	Kleber F. Price	Roy L. Taylor
Hugh D. Lyon	James E. Quill	Rev. H. Tinsley
H. McCartney	L. Allen Rhoads	Erna E. Tyra
Norris McPherson	Dr. J. J. Rice	J. Wood Vance
C. C. May	Wade H. Riley	S. J. Wagner
J. Milton Mefford	Dr. M. M. Robinson	C. R. Walden
Sam Milam	Byron H. Royster	Harry Walters
D. J. Moore	Dr. K. N. Salyer	Henry Ward
J. Lee Moore	Carl Scheben	H. L. Waterfield
C. E. Montgomery	Leon J. Shaikun	E. Reed Wilson
F. E. Morancy	Faust Y. Simpson	
E. R. Morlidge	Otto Smither	

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For Mr. Walden:

C. W. Anderson, Jr.	Stanley S. Dickson	Clyde Smith
George P. Anderson	Dr. J. A. Duff	James D. Stacey
Henry Arrowood	John D. Fields	C. W. Taylor
William F. Ball	Fuller Harding	Egbert Taylor
H. M. Brock, Jr.	Dr. Wm. C. Mann	John L. Trumbo
Sherman E. Carter	Ed. Marcum	H. A. Ward
Oris Cooper	L. D. Moore	
M. A. Cornett	Paul Pelfrey	

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The Honorable Stanley S. Dickson, having received a majority of the votes cast, a majority of all the members elected being present and voting, was declared by the Chief Clerk to be duly elected Speaker of the House of Representatives.

The Chief Clerk aforesaid appointed Messrs. Walden, Morancy, Curd, Lee Moore, Stephenson, Humston, Crowe, J. C. Stacy as a committee to inform the Speaker elect of the action of the House and to escort him to the Chair.

After a time, the Committee aforesaid accompanied The Honorable Stanley S. Dickson onto the floor of the House, who, having taken his place at the Speaker's desk, expressed his appreciation for the honor conferred upon him and announced that he was now ready to take the oath of office, which said oath was administered by The Honorable James W. Cammack, Judge of the Court of Appeals.

The Speaker then announced that the next order of business was the election of a Chief Clerk of the House and other minor officers to be filled by the House, in accordance with the Constitution.

Thereupon Mr. Henry Ward named The Honorable William A. Perry of the county of Jefferson as a suitable person for the office of Chief Clerk of the House.

Brooks L. Hargrove of the county of Jefferson, for Assistant Clerk,

Priscilla Hart of the county of Lyon, for Enrolling Clerk,

E. L. Hagan of the county of Hardin, for Sergeant-at-Arms,

Elzie Shires of the county of Kenton, for Doorkeeper,

H. A. Arnold of the county of Grant, for Janitor,

Lloyd Lanier of the county of Shelby for Cloakroom Keeper,

Marcus Tyra of the countw of Wolfe, for Cloakroom Keeper,

Tommy Woods of the county of Garrard, Thomas Bevins of the county of Pike, Woodford May of the county of

Morgan and Joy Memier of the county of for Pages.

There being no further nominations for said offices, the Speaker directed the Chief Clerk of the House to cast one vote on behalf of the entire House, for all those parties above named to fill the offices set opposite their names.

The Chief Clerk, having cast one vote for the entire House as above directed, declared said parties duly elected to said offices.

Thereupon all of the said officers above named appeared before the bar of the House and took the oath of office as required by the Constitution and laws of Kentucky, which oath was administered by The Honorable Jame W. Cammack, Judge of the Court of Appeals.

Mr. Ward offered the following resolutions, viz:

Resolution providing for a Committee to notify the Governor that this House is ready to receive his message.

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That a committee of this House be appointed by the Speaker to wait upon the Senate and notify that body that this House is now organized and ready to proceed to the transaction of business and that said committee shall in conjunction with a like committee to be appointed from the Senate to wait upon the Governor and inform him that the General Assembly is now organized and ready to receive any communication he may desire to deliver.

Said resolution was adopted.

Thereupon the Speaker appointed the following as

members constituting said Committee: Messrs. Anderson, Mann, Arrowood, Grace, Howell and M. M. Robinson.

Mr. Ward offered the following resolution, viz:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Rules of the 1940 Regular Session of the House of Representatives, as adopted by the aforesaid body, and practiced by that body, be used and practiced by this 1942 Session of this body, temporarily and until such time as permanent rules are adopted.

Said resolution was adopted.

Mr. Ward offered the following resolution, viz:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Sergeant-at-Arms be directed to invite the pastors of the various Frankfort churches to attend the meetings of this House and open the sessions thereof with prayer.

Said resolution was adopted.

Mr. Ward offered the following resolution, viz:

Resolution authorizing the Speaker to employ assistants in the House.

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Speaker be empowered to employ such such assistants in and about the House chamber during this session of the General Assembly as to him appears necessary

and as he deems advisable under the provision of Chapter 88 of the Acts of 1936.

The funds provided for the payment of assistants employed under this resolution shall be expended at the direction of the Speaker.

No bonus shall be paid to employees at the conclusion of the Regular Session.

Said resolution was adopted.

The Committee heretofore appointed by the Speaker to notify the Senate that the House was now organized and ready to proceed to the transaction of business and to wait upon the Governor, in conjunction with a like Committee on the part of the Senate, announced that they had discharged the duties imposed upon them and that they had been informed by the Governor that he would address a Joint Session of the House of Representatives and the Senate of Kentucky on today at one o'clock P. M.

The hour of one-thirty o'clock P. M. having arrived, the Senate of Kentucky appeared and in order entered upon the floor of the House of Representatives and The Honorable Rodes K. Myers, Lieutenant Governor and President of the Senate, took the Chair and presided and The Honorable Stanley S. Dickson, Speaker of the House of Representatives, having taken his seat on the right of the President of the Senate, the two Houses were convened in Joint Session which was composed of a majority of all the members elected to each House.

There being no objection, the call of the roll of the Senate and House of Representatives in Joint Session was dispensed with.

After a time the Committees heretofore appointed on the

part of the Senate and the House of Representatives, to wait upon the Governor, appeared upon the floor of the House with His Excellency, Keen Johnson, Governor of the the Commonwealth of Kentucky, who having taken his place at the Clerk's desk, addressed the General Assembly in Joint Session.

Senator Dawson moved that the Joint Session of the General Assembly do now dissolve.

Said motion was agreed to.

The Speaker resumed the Chair and called the House to order.

The Speaker announced the personnel of the Committee on Appropriations No. 1, as follows:

J. Lee Moore, Chairman
Joe. E. Robinson
Henry Ward
Faust Y. Simpson
Pink G. Curd
Kleber Price
Cass R. Walden
George P. Anderson
Clyde Smith

Mr. Ward offered the following Resolution, viz:

H. Res. 1. Resolution appropriating the sum of Seven Hundred and Fifty Dollars ($750.00) for a contingent fund for the Clerk of the Senate, and appropriating the sum of Seven Hundred and Fifty Dollars ($750.00) for a contingent fund for the Clerk of the House.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky there is set aside out of the appropriation made by Chapter 1 of the Acts of 1940 for

legislative sessions as a contingent fund, the sum of seven hundred and fifty dollars ($750.00), and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter 1 of the Acts of 1940 for legislative sessions as a contingent fund, the sum of seven hundred and fifty ($750.00) dollars. Said respective funds shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerk of the Senate and of the House of Representatives.

Ordered that said resolution be printed and referred

To Committee on Appropriations No. 1.

Mr. Ward offered the following resolution, viz:

H. Res. 2. Resolution providing for the purchase of "The Legislative Digest."

Said resolution is as follows, viz:

WHEREAS, it is a matter of importance and convenience that each Representative and each Senator be advised as to the various and detailed steps of legislation; and

WHEREAS, the General Assembly for each of the past sessions since 1912 has approved and adopted as its official publication "The Legislative Digest", published under the management of competent and experienced persons, the purpose of which is to fully advise from day to day the officials and public of the Commonwealth as to matters affecting them in an intelligent and prompt manner; now, therefore

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky and the Senate of the Commonwealth of Kentucky concurring, that:

§ 1. The C. T. Deering Company hereby is authorized, requested and directed to furnish two hundred (200) copies

of "The Legislative Digest" daily for delivery and distribution as hereinafter provided. The C. T. Deering Company will be paid the sum of two thousand and five hundred ($2,500.00) dollars for furnishing two hundred copies of "The Legislative Digest" daily as provided in this Resolution, which amount hereby is fixed, determined, approved and allowed as a contingent expense of the 1940 regular session of the General Assembly of Kentucky. Said amount will be paid on or before March 30, 1942, out of the appropriation made by Chapter 1 of the Acts of 1940 for legislative sessions. The C. T. Deering Company will present to the Speaker of the House and to the President of the Senate its bill for two thousand and five hundred ($2,500.00) dollars and the Speaker of the House and the President of the Senate hereby are authorized and directed to approve said bill for payment out of the appropriation hereinabove referred to; and when said bill is so approved the Department of Finance shall issue his warrant upon the State Treasurer in payment thereof, and the State Treasurer shall issue and deliver a check upon the State Treasury for the payment thereof.

§ 2. The C. T. Deering Company hereby is directed to furnish and deliver daily to the Clerk of the House one hundred and ten (110) copies of "The Legislative Digest" for distribution to the Members of the House and to such officers of the House as the Speaker may direct; to furnish and deliver daily to the Clerk of the Senate forty-five (45) copies of "The Legislative Digest" for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct; and to furnish and deliver daily the remaining forty-five (45) copies of "The Legislative Digest" to the Governor of the Commonwealth of Kentucky and to such departments, officers and employees of the Commonwealth as the Governor of the Commonwealth, the President of the Senate and the Speaker of the House may direct. The Speaker of the House, the President of the Senate and the Governor of the Commonwealth hereby are

requested to furnish to the C. T. Deering Company a list of the departments, officers and employees to whom said copies are to be furnished as hereinabove provided.

The word "daily" as hereinabove used shall be construed to mean each day that the House or Senate is in session.

§ 3. "The Legislative Digest" hereby is adopted and approved as the official publication of the General Assembly of Kentucky.

§ 4. The Clerk of the House of Representatives, on the passage of this Resolution and the concurrence therein by the Senate, hereby is directed to furnish and deliver to the Department of Finance an attested or certified copy of this Resolution; and the amount hereinabove provided to be paid shall be noted and entered on the books of the Department of Finance as a charge against the appropriation hereinabove referred to.

Ordered that said resolution be printed and referred

To Committee on Appropriations No. 1.

Mr. Ward offered the following resolution, viz.

H. Res. 3. Resolution appropriating additional compensation for officers and employees of the House and Senate.

Said resolution is as follows, viz.

WHEREAS, the General Assembly deems the compensation of the officers and employees of the Senate and the House of Representatives, as provided for in Chapter 88 of the Acts of the General Assembly of 1936 inadequate for the proper functioning of the business of the Senate during 1940 regular session.

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated from the Legislative Session Fund as additional compensation for the fol-

lowing officers and employees of the Senate and the House of Representatives: Assistant Clerk, Enrolling Clerk, Sergeant at Arms, Doorkeeper, Cloakroom Keeper, Janitor and Pages, to that compensation as provided for in Chapter 88 of the Acts of the General Assembly of 1936, the sum of Thirty Dollars ($30.00) per diem, for each body, for the duration of the 1942 regular Session.

§ 2. That the aforesaid amount shall be pro rated among the aforenamed constitutional officers and employees, according to the per diem set forth in Chapter 88 of the Acts of the General Assembly of 1936, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

§ 3. That the Clerk of the Senate and the Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Clerk of the Senate and the Clerk of the House of Representatives for the above mentioned amounts, and that the Clerk of the Senate and the Clerk of the House of Representatives are further directed to distribute the additional compensation to the above mentioned officers and employees as provided in Chapter 88 of the Acts of the General Assembly of 1936.

WHEREAS, it is necessary that this additional compensation be received by the officers and employees of the 1942 regular Session in order to properly expedite the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Ordered that said resolution be printed and referred

To Committee on Appropriations No. 1.

Under the provisions of the resolution offered by Mr. Ward authorizing the Speaker to appoint such assistants as he deemed necessary, the Speaker announced the following appointments:

Ernest Ford	Assistant Clerk
Jane A. Waddle	Journal Clerk
Mrs. Wm. Fairleigh	Stenographer to Speaker
Mrs. Mary Purdy	Bill Book Clerk
Mrs. Chas. Howes	Assistant Bill Book Clerk
Anna M. Wilson	Assistant Enrolling Clerk
Frank Ladd	Assistant Doorkeeper
John Wilborn	Assistant Doorkeeper
O. M. Freeman	Assistant Doorkeeper
W. A. Patterson	Assistant Doorkeeper
Parker Sims	Assistant Doorkeeper
Gene Harrison	Assistant Doorkeeper
Julian Hulette	Assistant Janitor
Percy H. Landrum	Assistant Sergeant-at-Arms
Don McClain	Assistant Sergeant-at-Arms
Chas. D. Milliken	Assistant Sergeant-at-Arms
Morris Shacklette	Assistant Sergeant-at-Arms
L. E. White	Assistant Cloakroom Keeper
Lester Brock	Assistant Cloakroom Keeper
William Monihan	Page
Mattie Lee Scheben	Page
Morris Glen Cobb	Page
C. W. Taylor, Jr.	Page
Joann Taylor	Page
Margaret Lee	Typist

Mr. Ward, on the part of the Legislative Council, sent to the Clerk's desk the report of the Legislative Council.

Mr. Ward moved that the Chief Clerk be directed to have printed one thousand copies of the Governor's Message and one thousand copies of the report of the Legislative Council.

Said motion was agreed to.

Mr. Ward moved that the Governor's Message and the report of the Legislative Council be not spread at length upon the Journal of the House.

Without objection, it was so ordered.

Mr. Ward moved that the Rules of this House be suspended for the purpose of the introduction of bills.

Said motion was agreed to.

Thereupon the following bills were introduced, viz:

By Mr. Ward.

H. B. No. 1. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky, including each of the various officers, departments, boards, commissions, institutions, and sub-divisions of the State Government, and the purchase of record books as provided by Section 388, Kentucky Statutes, 1936 Edition, judiciary and court costs, Confederate pensions, the Frankfort Cemetery, Jefferson and Kenton County fees, and for defraying the expenses of all other State obligations for (a) the fiscal years ending June 30, 1943, and June 30, 1944, (b) the fiscal years of the Department of Highways ending March 31, 1943, and March 31, 1944; designating the sources and funds from which said appropriations are made, and providing for the

establishment of certain revolving funds specifically mentioned; providing for money refunds; authorizing and empowering the Commissioner of Finance with the approval of the Governor to limit, restrict, and supervise expenditures of all money appropriated herein and hereafter by the General Assembly in the Regular Session of 1942, and to reduce or adjust each of the appropriations in the manner herein provided; providing for certain appropriations to be limited to specific purposes, and barring the use of appropriations for certain purposes; repealing all blanket and continuing appropriations not provided for in this Act and appropriations made by any previous Act or Acts of the General Assembly of the Commonwealth of Kentucky, and repealing all laws or parts of laws in conflict with any of the provisions of this Act; enacting each section and each subsection as a separate or specific appropriation.

Said bill is as follows, viz.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1942, and ending June 30, 1943, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, printing of County Record Books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson and Kenton County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of the Reorganization Act of the 1936 General Assembly, and the Budget and Financial Administration Act of 1934 General Assembly, for which the specific appropria-

tion is herein listed, excepting those listed in Parts Two and Three of this Budget Act, for the following purposes:

FISCAL YEAR 1942-1943

PART ONE

1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operation $10,000.00

(b) *Legislative Council.* For ordinary recurring expenses of operation $2,000.00

(c) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency $250.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation $500.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation $36,000.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation $17,500.00

(c) *Judicial Council.* For ordinary recurring expenses of operation $800.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund, Commissions on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund, and Commissions on Fines and Forfeitures $1,424,000.00

(e) *Salaries—Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation $300,000.00

(f) *Return of Escaped Convicts.* For ordinary recurring expenses of operation in paying for return of escaped convicts authorized by the Governor which have not been previously paid $6,000.00

(g) *Rewards.* For paying of rewards authorized by the Governor of the Commonwealth $300.00

(h) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law $130,000.00

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation $20,750.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation $4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation $6,000.00

(d) *Emergency Funds.*

(d) 1. General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor of the Commonwealth, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund $250,000.00

(d) 2. Special Emergency Fund. For extraordinary expenses which constitute special emergencies and/or for relief or for indigent persons in the Commonwealth not otherwise provided for by any other agency of the State; said fund to be administered and expended by the Governor either directly or by transfer in the manner prescribed by the

Budget and Financial Administration Act and in this section for other expenditures $200,000.00

(d) 3. National and Civil Defense Emergency Fund. For meeting extraordinary expenses which may be imposed upon the Commonwealth of Kentucky to meet the emergency created by the state of war existing between the United States and other countries. (No part of this sum shall be expended for the expenses of local civil defense boards or commissions, except under regulations prescribed by the State Civil Defense Commission.) $500,000.00

(d) 4. It being impossible for the Legislature to anticipate the necessity for expending all the money set aside for each separate emergency fund, it is the intention of the Legislature and it does hereby vest the Governor of the Commonwealth with the power to transfer any of the money provided in the three above emergency funds from one emergency fund to another, and the same may be expended for the recurring and extraordinary expenses provided for in the fund to which said sum may be transferred.

(e) For the purposes of repair, reconstruction and construction of buildings, and for the purposes of purchasing lands, buildings and appurtenances, and for the purpose of equipping and supplying the penal institutions, the mental hospitals, the feeble-minded institute, the school for the deaf, the state schools under the direct supervision of the State Board of Education, and Hazelwood Tuberculosis Hospital, there is hereby appropriated a portion of the unencumbered cash balance in the General Expenditure Fund at the close of the fiscal year ending June 30, 1942. This sum or amount shall equal the difference between the unencumbered cash balance at said date in the Treasury to the credit of the General Expenditure Fund and the amount which shall be determined necessary as operating capital within this Fund

preliminary to meeting the budgetary requirements for the 1942-1943 fiscal year. The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the Treasurer, shall determine the necessary amount of operating capital as defined above and shall make direct approval of all expenditures from this appropriation. In no event shall the sum expended for these purposes exceed the total of the unencumbered cash balance in the General Expenditure Fund at the close of business June 30, 1942, nor shall the sum expended exceed Three Million ($3,000,000.00) Dollars.

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation $21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation $1,500.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation $40,000.00

(b) *Cost of Suits.* For extraordinary expenses of operation and paying Clerks, Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligation in prosecuting in the interest of the State, as required by law, and subject to approval of the Department of Finance $4,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission, when approved by the Commissioner of Finance $44,710.00

7. DEPARTMENT OF TREASURY

(a) *State Treasurer.* For ordinary recurring expenses of operation $34,300.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and Recipients of Public Assistance as administered by the Welfare Department. The costs shall be borne by the respective departments.)

(b) *Custodian of Securities.* For ordinary recurring expenses of operation $600.00

8. AUDITOR OF PUBLIC ACCOUNTS

(a) *Auditor of Public Accounts.* For ordinary recurring expenses of auditing for the benefit of the State including all State Agencies and County Officials receiving or disbursing public monies belonging to the State.....$37,500.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of Finance including the administration of Confederate Pensions, and administration of Public Printing $164,950.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation $163,290.00

(c) *Legal Services.* For ordinary recurring expenses of operation as may be provided by law $6,800.00

(d) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units $16,000.00

(e) *Public Record Books (Paper and Printing.)* For ordinary recurring expenses necessary in the purchase and replacement of public record books during the fiscal year as provided in Section 388, Kentucky Statutes $21,500.00

(f) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required by the State-wide Registration Act of 1936, Regular Session $500.00

(g) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law $10,000.00

(h) *Paper (Revolving Fund).* To be used for the purchase of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units $20,000.00

(i) *Postage (Revolving Fund).* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units $10,000.00

(j) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter $150,000.00

(k) *Interest on Warrants.* For ordinary recurring expenses of interest due on outstanding interest-bearing warrants against the Commonwealth $10,000.00

(l) *New Lands and Buildings.* For extraordinary recurring expenses and capital outlay, and for ordinary recurring expenses in the restoration, repairing, replacement, equipment, maintenance, and improvements of State property $250,000.00

10. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of the various Divisions of the Department of Revenue, including the Division of Alcoholic Control and Escheats $400,000.00

11. DEPARTMENT OF REVENUE

MISCELLANEOUS REVENUE AGENCIES

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation $331,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation $27,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation $500.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation $1,000.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation $6,500.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation $40,000.00

(b-1) (Of this amount $10,000 shall be earmarked to be expended exclusively in the operation of the Old Kentucky Home Park. Said Home to retain investments now existing for use and benefit of Old Kentucky Home.)

(c) *Kentucky Natural Bridge Park. Capital Outlay.* For the reconstruction of the dam $20,000.00

(d) *Cumberland Gap National Park. Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service, and the States of Virginia and Tennessee in the establishment of a Cumberland Gap National Park $75,000.00

(e) *Division of Forestry.* For ordinary recurring expenses of operation $20,000.00

(f) *Division of Publicity.* For ordinary recurring expenses of operation $20,000.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation $30,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation $18,000.00

(c) *Division of Armories.* For ordinary recurring expenses of operation $42,000.00

(d) *State Aviation Board.* For ordinary recurring expenses of operation $7,500.00

(e) *Kentucky Active Militia.* For ordinary recurring expenses of operation $20,000.00

(f) *Civil Defense.* For ordinary recurring expenses of operation $10,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Bureau of Agriculture.* For ordinary recurring expenses of operation $40,500.00

(It is the intention of the Legislature that this appropriation of $40,500.00 shall be applicable to general administrative expenses, required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters of the fiscal year, "Division of Markets," and "Weights and Measures.")

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation and extraordinary expenses designated by law $21,600.00

(It is the intention of the Legislature that this appropriation of $21,600.00 shall be applicable to the "Per Diems and Expenses of Board Members" and to expenses of the "Live Stock Sanitation Division.")

(c) *Bang's Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation $22,500.00

(It is the intention of the Legislature that no part of this money is to be transferred for the purpose of paying administrative expenses of either the Bureau of Agriculture budget unit or the State Board of Agriculture budget unit.)

(d) *Boys' and Girls' Club Work.* For paying premiums for Boys' and Girls' Club Work and Bourbon Stock Yard Junior Club and for the promotion and encouragement of 4-H Club Work, for Kentucky products paid to Kentuckians $5,000.00

(e) *State Fair Board.* For ordinary recurring expenses of operation $59,250.00

(Of this amount each item shall not exceed the amount specified below:)

(e-1) For per Diem and Expenses of Board Members $1,250.00

(e-2) Premiums for State Fair $45,000.00

(e-3) Retiring a part of the M. & M. Building bonded indebtedness maturing November 1, 1942 ..... $13,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation $8,000.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health—General.* For ordinary recurring expenses of operation including laboratory services $175,000.00

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation $2,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including Visiting Nurse services $311,500.00

(d) *Department of Health—Capital Outlay.* To be expended only for matching Federal Funds in the enlargement and improvement of the main Administration Building, Department of Health, Louisville, Ky. $20,000.00

(e) *Hazelwood Sanatorium.* For ordinary recurring expenses of operation $88,000.00

(f) *Interest on Bonds.* For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements $9,600.00

(g) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation $100,000.00

(h) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in Section 2061-a-28, Kentucky Statutes $10,000.00

(i) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation $7,500.00

(j) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation $5,000.00

17. DEPARTMENT OF WELFARE

(a) *Commissioner of Welfare.* For ordinary recurring expenses of operation of the charitable and penal institutions, Kentucky Children's Home, administration and supervision of enrollees from the various counties to the C.C.C. camps sponsored by the Federal Government, and the administration of the Department of Welfare, including probation and parole $2,740,000.00

(b) *Division of Public Assistance.* For ordinary expenses of operation and cooperation with the federal government under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year accounts necessary to comply with the federal regulations, and for the administration of Old Age Assistance, Chapter 94, 1936 Regular Session, or said act as amended, including the cost of printing checks for recipients of Public Assistance program. Also, for administration of Child Welfare program and for the administration of the existing statutes pertaining to "aid to Dependent Children" and to "Aid to the Blind" provided these two statutes are held valid by the Court of Appeals $4,250,000.00

(c) *Home for Incurables.* For ordinary recurring expenses of operation $15,000.00

(d) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation under the supervision of the Department of Welfare $4,000.00

(e) *U. S. Commodity Distribution.* For expense of operation $65,000.00

(f) *Conveyance of Lunatics.* For ordinary recurring expenses of operation $9,000.00

(g) *Pauper Idiots.* For ordinary recurring expenses of operation $80,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation $60,000.00

(b) *Division of Certification.* For ordinary recurring expenses of operation $15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation $15,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation $500.00

(e) *Common School Per Capita Fund.* For the payment of teachers' salaries and other expenses incidental to the operation and maintenance of the public schools of the State $9,861,062.37

(e-1) (Of this amount $400,000.00 shall be earmarked as an Equalization Fund to be expended as may be provided by law.)

(f) For interest on State School Bonds, as provided by the Constitution for the support of Common Schools, which shall be used to supplement the appropriation for Common School Per Capita $138,937.63

(g) *Free Textbooks.* For the purchase of textbooks as provided for in Chapter 48, Acts 1928 ..... $500,000.00

(h) *War Orphan Scholarship Fund.* For the purpose of carrying out the provisions of Sections 4376b-11 and 4527-31, Kentucky Statutes $1,000.00

(i) *Vocational Education.* For ordinary recurring expenses of operation under the provisions of existing laws $44,182.56

(j) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry or otherwise $40,000.00

(k) *Kentucky State College for Negroes.* For ordinary recurring expenses of operation $130,000.00

(l) *West Kentucky Vocational Training School.* For ordinary recurring expenses of operation for Negroes $40,000.00

(m) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition of Negro students required to go out of the State to obtain higher educational training $10,000.00

(n) *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation $69,000.00

(o) *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation $8,000.00

(p) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation $14,800.00

(q) *Kentucky School for the Deaf—White.* For ordinary recurring expenses of operation $129,500.00

(r) *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation $9,000.00

(s) *Mayo Vocational Training School.* For ordinary recurring expenses of operation for white people $35,000.00

(t) *Teachers Retirement Fund.* For administering and complying with the obligations of the State under the Teacher Retirement Act, Chapter 1 of the Acts of the General Assembly of 1938, First Special Session, or said Act as amended or superseded, an amount equal to the total money paid into the State Treasury during the fiscal year beginning July 1, 1942, and ending June 30, 1943, by teachers participating under the provisions of said Act, but not to exceed..$650,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation $933,000.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation $24,000.00

(c) *Summer School Session.* For ordinary recurring expenses of operation $10,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation $30,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary expenses of administration $1,500.00

(f) *For Extraordinary Expenses* $60,000.00

(f-1) (Of this amount each item shall not exceed the amounts specified below):

Library Equipment $10,000.00
Scientific Laboratory Equipment $20,000.00
Engineering Equipment $20,000.00
Home Economics Equipment $10,000.00

(g) *Capital Outlay.* $200,000.00

(h) *Experiment Station.* For ordinary recurring expenses of operation $50,000.00

(i) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products $7,500.00

(j) *Research in Coal.* $7,500.00

(k) *Service Laboratories.* For ordinary recurring expenses of operation $21,000.00

(l) *Nursery Inspection.* For ordinary recurring expenses of operation $2,000.00

(m) *Princeton Sub-Station.* For ordinary recurring expenses of operation $16,000.00

(n) *Quicksand Sub-Station.* For ordinary recurring expenses of operation $16,000.00

(o) *Agricultural Extension Work.* For ordinary recurring expenses of operation $155,000.00

(p) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in Chapter 30, Acts of the General Assembly, first special session, 1938 ..... $10,000.00

20. STATE TEACHERS' COLLEGES

(a) *Eastern Kentucky State Teachers College.* For ordinary recurring expenses of operation $280,000.00

(b) *Morehead State Teachers College.* For ordinary recurring expenses of operation $234,000.00

(c) *Murray State Teachers College.* For ordinary recurring expenses of operation $254,000.00

(d) *Western Kentucky State Teachers College.* For ordinary recurring expenses of operation $365,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation $9,800.00

(b) *Law Library—Books.* For ordinary recurring expenses of operation as provided for under Section 2448, Kentucky Statutes $3,500.00

(c) *Library Sales Account—Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals, as provided by law $25,000.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operations $500.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation $15,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation $8,715.00

22. DEPARTMENT OF BUSINESS REGULATIONS

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation $6,500.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation $45,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation $45,000.00

(d) *Division of Securities.* For ordinary recurring expenses of operation $7,500.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation $9,000.00

(b) *Division of Wage Hours for Women and Minors.* For ordinary recurring expenses of operation including labor and statistics generally and inspection services $35,000.00

(c) *Kentucky State Employment Service.* For ordinary recurring expenses of operation $64,345.00

(It is the intention of the Legislature that this appropriation be expended only and when this agency might be returned from the Federal Government to its former State status. No part of this $64,345.00 is to be transferred to any other agency, budget unit, or budget class.)

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation $40,000.00

(b) *Division of Geology.* For ordinary recurring expenses of operation $14,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation $20,000.00

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Overton Appropriation.* $600.00

(b) *Money Refunded.* For refunding money paid to the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance $125,000.00

(c) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State....$2,500.00

(d) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General.....$50,000.00

(e) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. and M. Bonds as provided by Section 4591a, Kentucky Statutes $9,900.00

(f) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same.....$250.00

(g) *Statutes and Codes for Courts.* For paying for replacements and purchase of statutes and codes for the Courts as provided in Section 2432, Kentucky Statutes $3,000.00

(h) *Interest on Non-Resident Tax Deposits.* $125.00

(i) *Jefferson County Fees.* For paying various officials of Jefferson County the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance $450,000.00

(j) *Kenton County Fees.* For paying various officials of Kenton County the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by Law and approved by the Commissioner of Finance $85,000.00

PART TWO

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies

or subdivisions of the state Government for the fiscal year ending June 30, 1943, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government which receipts are placed to the credit of a Revolving Fund (Minor Fund) out of which shall be established separate Revolving Fund Accounts for the use and benefit of each separate professional board or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. The fund accredited to each shall not exceed at any time the amount of receipts received from the separate professional board or other boards, commission, institution, agency, and/or subdivision of the State Government. Withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for ordinary recurring expenses of operation properly approved by the Department of Finance, Division of Accounts and Control and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional Board, or other board, commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisitions. The total amount any agency may requisition from the Revolving Fund Account through the Department of Finance, shall not during the fiscal year

ending June 30, 1943, exceed the amount placed to the credit of the Revolving Fund, out of which has been established a Revolving Fund Account for each separate agency during the fiscal year July 1, 1942, to June 30, 1943, inclusive, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceding year, on or before September 30, of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE

Process Agents. All revenue received under Section 571 of Kentucky Statutes and Chapter 41, Acts of 1940 General Assembly, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to General Expenditure Fund.

Corporations. All revenue received under Section 540 of Kentucky Statutes and Chapter 42, Acts of 1940 General Assembly, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to General Expenditure Fund.

DEPARTMENT OF TREASURY

Division of Louisville Securities Office.

AUDITOR OF PUBLIC ACCOUNTS

County Share of Cost of Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in Section 4636-1, Kentucky Statutes.

DEPARTMENT OF FINANCE

Duplicating Section.

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties from each portion of truck licenses as is now provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Federal Government or any Federal Agency, as a reimbursement on any New Land and Building or Improvement Program which may be made applicable for use for said purposes or any of them.

DEPARTMENT OF REVENUE

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under Section 2739M-34, Kentucky Statutes.

Back Tax Section. (Delinquent Taxes.) There shall be credited to this Revolving Fund such fees and revenues as provided for by Section 4257a-5, Kentucky Statutes.

Fair Trade Act—Distilled Spirits. All revenue received under Section 11, Chapter 13, Acts of 1940, General Assembly.

Refunding Expense of County Bonds.

DEPARTMENT OF CONSERVATION

Division of State Parks.
Division of Forestry (Federal)
Division of Publicity.
Division of Game and Fish Commission.

MILITARY DEPARTMENT

Non-Elective Peace Officers.

COMMISSSIONER OF AGRICULTURE

Dog Law Enforcement.
Inspection—Stockyard Weighmen.
Inspection—Tobacco Warehouse Weighmen.

STATE FAIR BOARD

Continuing Fund—Operation.
Construction Fund.

DEPARTMENT OF HEALTH

Department of Health—General and Federal.
Hazelwood Sanatorium.
Kentucky Crippled Children's Commission.

DEPARTMENT OF WELFARE

Division of Hospitals and Mental Hygiene.
Division of Corrections.
Division of Child Welfare.
Division of Public Assistance.
Metal Stamping Plant.
Welfare Construction Fund.
Children's Home Society—White.
Surplus Commodity Distribution.

DEPARTMENT OF EDUCATION

General Education Board.
Jeannes Fund.
Any Other Private or Federal Funds that may become available for use in connection with the Department.
George-Deen Fund (Federal).
Smith-Hughes Fund (Federal).

Defense Workers (Federal).
Out of School Youth Defense Training (Federal).
N. Y. A. Educational (Federal).
National Defense Equipment (Federal).
Vocational Rehabilitation (Federal)
Vocational Rehabilitation (Private).
Kentucky State College for Negroes (Including Federal).
West Kentucky Vocational Training School.
Mayo Vocational Training School.
State Board of Education—Investment Fund.
Kentucky School for the Deaf.
Workshop for the Adult Blind.
Lincoln Institute.

UNIVERSITY OF KENTUCKY

STATE TEACHERS COLLEGES

Eastern Kentucky State Teachers College.
Morehead State Teachers College.
Murray State Teachers College.
Western Kentucky State Teachers College.

DEPARTMENT OF LIBRARY AND ARCHIVES

Kentucky Historical Society.
Stephenson Fund.
Library Extension Division.
State Board of Certification of Librarians.

DEPARTMENT OF BUSINESS REGULATIONS

Division of Professional Regulations. The salary of the secretary and other recurring expenses of operation for the Division of Supervision of Professional Regulations in the Department of Business Regulations shall be paid by assessments made against the funds of the professional agencies and boards under the Department of Business Regula-

tions. The assessments shall be determined and fixed as provided in the Reorganization Act, Section 4618-120, Kentucky Statutes.

State Board of Accountancy.
State Board of Examiners and Registration of Architects.
State Board of Barber and Beautician Examiners.
State Board of Chiropractic Examiners.
State Board of Dental Examiners.
State Board of Embalmers.
State Board of Pharmacy.
State Board of Pharmacy Prophylactic Enforcement.
State Board of Examiners of Trained Nurses.
State Board of Veterinary Examiners.
State Board of Bar Examiners.
Insurance Examiners Expense.
State Board of Professional Engineers.
Division of Motor Transportation.
Kentucky State Real Estate Commission.

Division of Insurance, Fire Prevention. All fees, receipts, collections and assessments paid into the State Treasury from December 31, 1941, to and including December 31, 1942, under Section 762-b-5, Kentucky Statutes and also an amount equal to twenty-five percent (25%) of all fees and other receipts paid into the State Treasury from December 31, 1941, to and including December 31, 1942, pursuant to the provisions of Section 761, Kentucky Statutes, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section, for the fiscal year ending June 30, 1943.

Banking and Small Loans. All revenue received by the Department in excess of the General Fund Appropriation shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS

Division of Geology.

Division of Coal Mining.

All revenue received by the Division of Geology is hereby appropriated for ordinary and recurring expenses of the Division and all revenue received by the Division of Coal Mining, including fees for inspection of mines and examination of mine foremen is hereby appropriated for ordinary and recurring expenses of the Division.

PUBLIC SERVICE COMMISSION

Out of the fees collected by the Public Service Commission as provided by Chapter 145, Regular Session of the 1934 General Assembly, and Chapter 13, First Special Session, 1938, a sum of $130,000.00 for the fiscal year ending June 30, 1943, is appropriated for the payment of salaries of the commissioner, employees, counsel for commissioners, secretary, and other ordinary recurring expenses necessary to enable the Commission to perform all of the functions and duties of the said Commission as provided by law.

KENTUCKY REAL ESTATE BOARD

DEPARTMENT OF INDUSTRIAL RELATIONS

Workmen's Compensation Board.

Division of Unemployment Compensation—Federal.

Kentucky State Employment Service.

JEFFERSON COUNTY MASTER COMMISSIONER NOT OTHERWISE CLASSIFIED

Truck License Refunds.

PART THREE

DEPARTMENT OF HIGHWAYS

(1) *State Road Fund.* There shall be established for the purpose of paying all cost of operation and maintenance

of the State Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1942, and ending March 31, 1943, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds realized from the Motor Vehicle Registration Tax, the Gasoline Tax, and the Tax on Other Motor Fuels, now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of the State Road Fund during the fiscal year ending March 31, 1943, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance, and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(2) *Divisions of Administration, Records, Equipment, Maintenance and Construction.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1943, for ordinary recurring administrative expenses of operation, including the cost of printing Treasury checks for the department, the sum of $600,000.00.

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1943, to be used by the Division of Rural Highways, for the improvement, reconstruction and maintenance of County roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be expended in accordance with

Chapter 5, Acts of the General Assembly, 1936, the sum of $2,000,000.00.

(Of this amount, not more than 10 per cent may be used for Administrative purposes for the Rural Highway Division in the Highway Department.)

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1943, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law, the sum of $1,000,000.00.

(It is the intention of the Legislature that $700,000.00 of this appropriation be used and expended only upon approval of the Governor as it may become necessary for the Governor to expand the Highway Patrol services.)

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax and Tax on Other Motor Fuels.* There is hereby appropriated out of the State Highway Road Fund to the Department of Revenue for the fiscal year ending June 30, 1943, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels, the sum of $130,000.00.

(The Legislature, realizing the shortage of steel for the manufacture of motor vehicle license tags, and being unable to anticipate the cost for material for future motor vehicle license identification, appropriates the above sum to be expended in the year 1942-1943 with the provision that any unexpended balance applicable to the purchase of material for future motor vehicle license identification (because of said conditions) shall not lapse but shall continue to be added

to the sum appropriated in this Act for this purpose for the year 1943-1944.)

(b) *Motor Transportation.* There is hereby appropriated out of the State Highway Fund for the fiscal year ending June 30, 1943, for the use of the Department of Business Regulations, Division of Motor Transportation, for ordinary recurring expenses of operation, the sum of $60,000.00.

FISCAL YEAR 1943-1944

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1943, and ending June 30, 1944, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, printing of County record books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson and Kenton County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of the Reorganization Act of the 1936 General Assembly, and the Budget and Financial Administration Act of 1934 General Assembly, for which the specific appropriation is herein listed, excepting those listed in parts Two-A and Three-A of this Budget Act, for the following purposes:

FISCAL YEAR 1943-1944

PART ONE-A

1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operation $170,000.00

(b) *Legislative Council.* For ordinary recurring expenses of operation $11,000.00

(c) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency $250.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation $500.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation $36,000.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation $17,500.00

(c) *Judicial Council.* For ordinary recurring expenses of operation $800.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund, Commissions on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds and Commissions on Fines and Forfeitures $1,424,000.00

(e) *Salaries—Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation $300,000.00

(f) *Return of Escaped Convicts.* For ordinary recurring expenses of operation in payment for return of escaped convicts authorized by the Governor which have not been previously paid $6,000.00

(g) *Rewards.* For paying of rewards authorized by the Governor of the Commonwealth $300.00

(h) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law $130,000.00

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation $20,750.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation $4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation $6,000.00

(d) *Emergency Funds.*

1. General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor of the Commonwealth, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund $250,000.00

(d) 2. Special Emergency Fund. For extraordinary expenses which constitute special emergencies and/or for relief or for indigent persons in the Commonwealth not otherwise provided for by any other agency of the State; said fund to be administered and expended by the Governor either directly or by transfer in the manner prescribed by the Budget and Financial Administration Act and in this section for other expenditures $200,000.00

(d) 3. National and Civil Defense Emergency Fund. For meeting extraordinary expenses which may be imposed upon the Commonwealth of Kentucky to meet the emergency created by the state of war existing between the United States and other countries. (No part of this sum shall be expended for the expenses of local civil defense boards or commissions, except under regulations prescribed by the State Civil Defense Commission.) $500,000.00

(d) 4. It being impossible for the Legislature to anticipate the necessity for expending all of the money set aside for each separate emergency fund, it is the intention of the Legislature and it does hereby vest the Governor of the Commonwealth with the power to transfer any of the money provided in the three above emergency funds from one emergency fund to another, and the same may be expended for the recurring and extraordinary expenses provided for in the fund to which said sum may be transferred.

(e) For the purposes of repair, reconstruction and construction of buildings, and for the purposes of purchasing lands, buildings and appurtenances, and for the purpose of equipping and supplying the penal institutions, the mental hospitals, the feeble-minded institute, the school for the deaf, the state schools under the direct supervision of the State Board of Education, and Hazelwood Tuberculosis Hospital, there is hereby appropriated a portion of the unencumbered cash balance in the General Expenditure Fund at the close of the fiscal year ending June 30, 1943. This sum or amount shall equal the difference between the unencumbered cash balance at said date in the Treasury to the credit of the General Expenditure Fund and the amount which shall be determined necessary as operating capital within this Fund preliminary to meeting the budgetary requirements for the 1943-1944 fiscal year. The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the Treasurer, shall determine the necessary amount of operating capital as defined above and shall make direct approval of all expenditures from this appropriation. In no event shall the sum expended for these purposes exceed the total of the unencumbered cash balance in the General Expenditure Fund at the close of business June 30, 1943, nor shall the sum expended exceed Three Million ($3,000,000.00) Dollars.

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation $21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation $1,500.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation $40,000.00

(b) *Cost of Suits.* For extraordinary expenses of op-

eration and paying Clerks, Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligation in prosecuting in the interest of the State, as required by law, and subject to approval of the Department of Finance $4,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission when approved by the Commissioner of Finance $10,000.00

7. DEPARTMENT OF TREASURY

(a) *State Treasurer.* For ordinary recurring expenses of operation $34,300.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and recipients of Public Assistance as administered by the Welfare Department. These costs shall be borne by the respective departments.)

(b) *Custodian of Securities.* For ordinary recurring expenses of operation $600.00

8. AUDITOR OF PUBLIC ACCOUNTS

(a) *Auditor of Public Accounts.* For ordinary recurring expenses of auditing for the benefit of the State including all State Agencies and County Officials receiving or disbursing public moneys belonging to the State $37,500.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of Finance including the administration of Confederate Pensions, and administration of Public Printing $164,950.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation $163,290.00

(c) *Legal Services.* For ordinary recurring expenses of operation as may be provided by law $6,800.00

(d) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units $16,000.00

(e) *Public Record Books (Paper and Printing).* For ordinary recurring expenses necessary in the purchase and replacement of public record books during the fiscal year as provided in Section 388, Kentucky Statutes.....$21,500.00

(f) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required by the State-wide Registration Act of 1936, Regular Session $500.00

(g) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law $10,000.00

(h) *Paper (Revolving Fund).* To be used for the purchase of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units $20,000.00

(i) *Postage (Revolving Fund).* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units $10,000.00

(j) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter $150,000.00

(k) *Interest on Warrants.* For ordinary recurring expenses of interest due on outstanding interest-bearing warrants against the Commonwealth $10,000.00

(l) *New Lands and Buildings.* For extraordinary recurring expenses and capital outlay, and for ordinary recurring expenses in the restoration, repairing, replacement, equipment, maintenance, and improvements of State property $250,000.00

10. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of the various Divisions of the Department of Revenue, including the Division of Alcoholic Control and Escheats $400,000.00

11. DEPARTMENT OF REVENUE
MISCELLANEOUS REVENUE AGENCIES

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation $341,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation $27,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation $500.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation $1,000.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation $6,500.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation $40,000.00

(b1) (Of this amount $10,000.00 shall be earmarked to be expended exclusively in the operation of the Old Kentucky Home Park. Said Home to retain investments now existing for use and benefit of Old Kentucky Home.)

(c) *Cumberland Gap National Park—Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service and the states of Virginia and Tennessee in the establishment of a Cumberland Gap National Park $75,000.00

(d) *Division of Forestry.* For ordinary recurring expenses of operation $20,000.00

(e) *Division of Publicity.* For ordinary recurring expenses of operation $20,000.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation $30,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation $18,000.00

(c) *Division of Armories.* For ordinary recurring expenses of operation $42,000.00

(d) *State Aviation Board.* For ordinary recurring expenses of operation $7,500.00

(e) *Kentucky Active Militia.* For ordinary recurring expenses of operation $20,000.00

(f) *Civil Defense.* For ordinary recurring expenses of operation $10,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Bureau of Agriculture.* For ordinary recurring expenses of operation $40,500.00

(It is the intention of the Legislature that this appropriation of $40,500.00 shall be applicable to general administrative expenses required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters of the fiscal year, Division of Markets, and Weights and Measures.)

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation $21,600.00

(It is the intention of the Legislature that this appropriation of $21,600.00 shall be applicable to the "Per Diems and Expenses of Board Members", and to expenses of the "Live Stock Sanitation Division".)

(c) *Bangs' Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation $22,500.00

(It is the intention of the Legislature that no part of this money is to be transferred for the purpose of paying administrative expenses of either the Bureau of Agriculture budget unit or the State Board of Agriculture budget unit.)

(d) *Boys' and Girls' Club Work.* Paying Premiums for Boys' and Girls' Club Work and Bourbon Stock Yard Junior Club, and for the promotion and encouragement of 4-H Club Work, for Kentucky products paid to Kentuckians $5,000.00

(e) *State Fair Board.* For ordinary recurring expenses of operation $60,250.00

(Of this amount each item shall not exceed the amount specified below:)

(e1) For Per Diem and Expenses of Board Members $1,250.00

(e2) Premiums for State Fair $45,000.00

(e3) Retiring a part of the M & M Building bonded indebtedness maturing Nov. 1, 1943 ..... $14,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation $6,000.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health—General.* For ordinary recurring expenses of operation including laboratory services $175,000.00

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation $2,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including visiting nurse services $311,500.00

(d) *Hazelwood Sanatorium.* For ordinary recurring expenses of operation $88,000.00

(e) *Interest on Bonds.* For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements $9,600.00

(f) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation $100,000.00

(g) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in Section 2061-a-28, Kentucky Statutes $10,000.00

(h) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation $7,500.00

(i) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation $5,000.00

17. DEPARTMENT OF WELFARE

(a) *Commissioner of Welfare.* For ordinary recurring expenses of operation of the charitable and penal institutions, Kentucky Children's Home, administration and supervision of enrollees from the various counties to the C. C. C. camps sponsored by the Federal Government, and the administration of the Department of Welfare, including probation and parole $2,760,000.00

(b) *Division of Public Assistance.* For ordinary expenses of operation and cooperation with the Federal Government under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year accounts necessary to comply with the Federal regulations, and for the administration of Old Age Assistance, Chapter 94, 1936 Regular Session, or said act as amended, including the cost of printing checks for recipients of Public Assistance program. Also, for administration of the Child Welfare program and for the administration of the existing statutes pertaining to "Aid to Dependent Children" and to "Aid to the Blind" provided these two statutes are held valid by the Court of Appeals $4,250,000.00

(c) *Home for Incurables.* For ordinary recurring expenses of operation $15,000.00

(d) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation under the supervision of the Department of Welfare $4,000.00

(e) *U. S. Commodity Distribution.* For expense of operation $65,000.00

(f) *Conveyance of Lunatics.* For ordinary recurring expenses of operation $9,000.00

(g) *Pauper-Idiots.* For ordinary recurring expenses of operation $80,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation $60,000.00

(b) *Division of Certification.* For ordinary recurring expenses of operation $15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation $15,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation $500.00

(e) *Common School Per Capita Fund.* For the payment of teachers' salaries and other expenses incidental to the operation and maintenance of the public schools of the State $9,961,062.37

(e1) (Of this amount $400,000.00 shall be earmarked as an Equalization Fund to be expended as may be provided by law.)

(f) For interest on State School Bonds, as provided by the Constitution for the support of Common Schools, which amount shall be used to supplement the appropriation for Common School per capita $138,937.63

(g) *Free Textbooks.* For the purchase of textbooks as provided for in Chapter 48, Acts 1928 ..... $500,000.00

(h) *War Orphan Scholarship Fund.* For the purpose of carrying out the provisions of Section 4376b-11 and 4527-31, Kenutcky Statutes $1,000.00

(i) *Vocational Education.* For ordinary recurring expenses of operation under the provisions of existing laws $44,182.56

(j) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry or otherwise $40,000.00

(k) *Kentucky State College for Negroes.* For ordinary recurring expenses of operation for Negroes $130,000.00

(l) *West Kentucky Vocational Training School.* For ordinary recurring expenses of operation for Negroes $40,000.00

(m) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition for Negro students required to go out of the State to obtain higher educational training $10,000.00

(n) *Kentucky School for the Blind, White.* For ordinary recurring expenses of operation.....$69,000.00

(o) *Kentucky School for the Blind, Colored.* For ordinary recurring expenses of operation $8,000.00

(p) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation $14,800.00

(q) *Kentucky School for the Deaf, White.* For ordinary recurring expenses of operation.....$129,500.00

(r) *Kentucky School for the Deaf, Colored.* For ordinary recurring expenses of operation $9,000.00

(s) *Mayo Vocational Training School.* For ordinary recurring expenses of operation for white people..$35,000.00

(t) *Teachers Retirement Fund.* For administering and complying with the obligations of the State under the Teacher Retirement Act, Chapter 1 of the Acts of the General Assembly of 1938, First Special Session, or said act as amended or superseded, an amount equal to the total money paid into the State Treasury during the fiscal year beginning July 1, 1943, and ending June 30, 1944, by teachers participating under the provisions of said Act, but not to exceed..$650,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation $933,000.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation $24,000.00

(c) *Summer School Session.* For ordinary recurring expenses of operation $10,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation $30,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary expenses of administration $1,500.00

(f) *For Extraordinary Expenses* $60,000.00

(f1) (Of this amount each item shall not exceed the amounts specified below):

Library Equipment $10,000.00
Scientific Laboratory Equipment $20,000.00
Engineering Equipment $20,000.00
Home Economics Equipment $10,000.00

(g) *Capital Outlay* $200,000.00

(h) *Experiment Station.* For ordinary recurring expenses of operation $50,000.00

(i) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products $7,500.00

(j) *Research in Coal* $7,500.00

(k) *Service Laboratories.* For ordinary recurring expenses of operation $21,000.00

(l) *Nursery Inspection.* For ordinary recurring expenses of operation $2,000.00

(m) *Princeton Sub-Station.* For ordinary recurring expenses of operation $16,000.00

(n) *Quicksand Sub-Station.* For ordinary recurring expenses of operation $16,000.00

(o) *Agricultural Extension Work.* For ordinary recurring expenses of operation $155,000.00

(p) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in Chapter 30, Acts of the General Assembly, first special session, 1938 ..... $10,000.00

20. STATE TEACHERS' COLLEGES

(a) *Eastern Kentucky State Teachers College.* For ordinary recurring expenses of operation $280,000.00

(b) *Morehead State Teachers College.* For ordinary recurring expenses of operation $234,000.00

(c) *Murray State Teachers College.* For ordinary recurring expenses of operation $254,000.00

(d) *Western Kentucky State Teachers College.* For ordinary recurring expenses of operation $365,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation $9,800.00

(b) *Law Library—Books.* For ordinary recurring expenses of operation, as provided for under Section 2448, Kentucky Statutes $3,500.00

(c) *Library Sales Account—Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals, as provided by law..... $21,000.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation $500.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation $15,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation $8,715.00

22. DEPARTMENT OF BUSINESS REGULATIONS

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation $6,500.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation $45,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation $45,000.00

(d) *Division of Securities.* For ordinary recurring expenses of operation $7,500.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation $9,000.00

(b) *Division of Wage Hours for Women and Minors.* For ordinary recurring expenses of operation including labor and statistics generally and inspection services.....$35,000.00

(c) *Kentucky State Employment Service.* For ordinary recurring expenses of operation $64,345.00

(It is the intention of the Legislature that this appropriation be expended only and when this agency might be returned from the Federal Government to its former State status. No part of this $64,345.00 is to be transferred to any other agency, budget unit, or budget class.)

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation $40,000.00

(b) *Division of Geology.* For ordinary recurring expenses of operation $14,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation $20,000.00

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Overton Appropriation* $600.00

(b) *Money Refunded.* For refunding money paid to

the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance $125,000.00

(c) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State.... $2,500.00

(d) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General..... $50,000.00

(e) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. and M. Bonds as provided by Section 4591a, Kentucky Statutes..... $9,900.00

(f) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same $250.00

(g) *Statutes and Codes for Courts.* For paying for replacements and purchase of statutes and codes for the Courts as provided in Section 2432, Kentucky Statutes $3,000.00

(h) *Interest on Non-Resident Tax Deposits*..... $125.00

(i) *Jefferson County Fees.* For paying various officials of Jefferson County the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance $450,000.00

(j) *Kenton County Fees.* For paying various officials of Kenton County the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance $85,000.00

PART TWO-A

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or subdivisions of the State Government for the fiscal year ending June 30, 1944, all of the fees (which include fees for board and room, athletic, student activities) and rentals, admittances, sales, licenses, collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government; which receipts are placed to the credit of a Revolving Fund (Minor Fund) out of which shall be established separate Revolving Fund Accounts for the use and benefit of each separate professional Board or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. The fund accredited to each shall not exceed at any time the amount of receipts received from the separate professional board or other boards, commission, institution, agency, and/or subdivision of the State Government and withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for ordinary recurring expenses of operation properly approved by the Department of Finance, Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional Board, or other board,

commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisitions. The total amount any agency may requisition from the Revolving Fund Account through the Department of Finance, shall not during the fiscal year ending June 30, 1944, exceed the amount placed to the credit of the Revolving Fund, out of which has been established a Revolving Fund Account for each separate agency during the fiscal year July 1, 1943, to June 30, 1944, inclusive, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceding year, on or before September 30, of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE—

Process Agents. All revenue received under Section 571 of Kentucky Statutes and Chapter 41, Acts of 1940 General Assembly, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to General Expenditure Fund.

Corporations. All revenue received under Section 540 of Kentucky Statutes and Chapter 42, Acts of 1940 General Assembly, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to General Expenditure Fund.

DEPARTMENT OF TREASURY—

Division of Louisville Securities Office.

AUDITOR OF PUBLIC ACCOUNTS—

County Share of Cost of Audits. For the use and benefit of said office in the examination of records of county officers

receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in Section 4636-1, Kentucky Statutes.

DEPARTMENT OF FINANCE—

Duplicating Section.

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties from such portion of truck licenses as is now provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Federal Government or any Federal agency, as a reimbursement on any New Land and Building or Improvement Program which may be made applicable for use for said purposes or any of them.

DEPARTMENT OF REVENUE—

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under Section 2739M-34, Kentucky Statutes.

Back Tax Section. (Delinquent Taxes.) There shall be credited to this Revolving Fund such fees and revenues as provided for by Section 4257a-5, Kentucky Statutes.

Fair Trade Act—Distilled Spirits. All revenue received under Section 11, Chapter 13, Acts of 1940, General Assembly.

Refunding Expense of County Bonds.

DEPARTMENT OF CONSERVATION—

Division of State Parks
Division of Forestry (federal)
Division of Publicity
Division of Game and Fish Commission

MILITARY DEPARTMENT—

Non-Elective Peace Officers

COMMISSIONER OF AGRICULTURE

Dog Law Enforcement
Inspection—Stockyard Weighmen
Inspection—Tobacco Warehouse Weighmen

STATE FAIR BOARD

Continuing Fund—Operation
Construction Fund

DEPARTMENT OF HEALTH—

Department of Health—General and Federal
Hazelwood Sanatorium
Kentucky Crippled Children's Commission

DEPARTMENT OF WELFARE—

Division of Hospitals and Mental Hygiene
Division of Corrections
Division of Child Welfare
Division of Public Assistance
Metal Stamping Plant
Welfare Construction Fund
Childrens' Home Society—White
Surplus Commodity Distribution

DEPARTMENT OF EDUCATION—

General Education Board
Jeannes Fund
Any other Private or Federal Funds that may become available for use in connection with the Department
George-Deen Fund (Federal)
Smith-Hughes Fund (Federal)
Defense Workers (Federal)
Out of School Youth Defense Training (Federal)
N. Y. A. Education (Federal)
National Defense Equipment (Federal)
Vocational Rehabilitation (Federal)
Vocational Rehabilitation (Private)
Kentucky State College for Negroes (Including Federal)
West Kentucky Vocational Training School
Mayo Vocational Training School
State Board of Education—Investment Fund
Kentucky School for the Deaf
Workshop for the Adult Blind
Lincoln Institute

UNIVERSITY OF KENTUCKY—

STATE TEACHERS COLLEGES—

Eastern Kentucky State Teachers College
Morehead State Teachers College
Murray State Teachers College
Western Kentucky State Teachers College

DEPARTMENT OF LIBRARY AND ARCHIVES—

Kentucky Historical Society
Stephenson Fund
Library Extension Division
State Board of Certification of Librarians

DEPARTMENT OF BUSINESS REGULATIONS—

Division of Professional Regulations. The salary of the secretary and other recurring expenses of operation for the Division of Supervision of Professional Regulations in the Department of Business Regulations shall be paid by assessments made against the funds of the professional agencies and boards under the Department of Business Regulations. The assessments shall be determined and fixed as provided in the Reorganization Act, Section 4618-120, Kentucky Statutes.

State Board of Accountancy
State Board of Examiners and Registration of Architects
State Board of Barber and Beautician Examiners
State Board of Chiropractic Examiners
State Board of Dental Examiners
State Board of Embalmers
State Board of Pharmacy
State Board of Pharmacy Prophylactic Enforcement
State Board of Examiners of Trained Nurses
State Board of Veterinary Examiners
State Board of Bar Examiners
Insurance Examiners Expense
State Board of Professional Engineers
Division of Motor Transportation
Kentucky State Real Estate Commission

Division of Insurance, Fire Prevention. All fees, receipts, collections and assessments paid into the State Treasury from December 31, 1942 to and including December 31, 1943, under Section 762-b-5, Kentucky Statutes and also an amount equal to twenty-five percent (25%) of all fees and other receipts paid into the State Treasury from December 31, 1942 to and including December 31, 1943, pursuant to the provisions of Section 761, Kentucky Statutes,

hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section for the fiscal year ending June 30, 1944.

Banking and Small Loans. All revenue received by the Department in excess of the General Fund Appropriation shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS—

Division of Geology
Division of Coal Mining

All revenue received by the Division of Geology is hereby appropriated for ordinary and recurring expenses of the Division and all revenue received by the Division of Coal Mining, including fees for inspection of mines and examination of mine foremen, is hereby appropriated for ordinary and recurring expenses of the Division.

PUBLIC SERVICE COMMISSION—

Out of the fees collected by the Public Service Commission as provided by Chapter 145, Regular Session of the 1934 General Assembly, and Chapter 13, First Special Session, 1938, a sum of $130,000.00 for the fiscal year ending June 30, 1944, is appropriated for the payment of salaries of the commissioners, employees, counsel for commissioners, secretary, and other ordinary recurring expenses necessary to enable the Commission to perform all of the functions and duties of the said Commission as provided by law.

KENTUCKY REAL ESTATE BOARD—

DEPARTMENT OF INDUSTRIAL RELATIONS—

Workmen's Compensation Board
Division of Unemployment Compensation—Federal
Kentucky State Employment Service

JEFFERSON COUNTY MASTER COMMISSIONER—
NOT OTHERWISE CLASSIFIED—
Truck License Refunds

PART THREE-A
DEPARTMENT OF HIGHWAYS

(1) *State Road Fund.* There shall be established for the purpose of paying all cost of operation and maintenance of the State Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1943; and ending March 31, 1944, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds realized from the Motor Vehicle Registration Tax, the Gasoline Tax, and the Tax on Other Motor Fuels, now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of the State Road Fund during the fiscal year ending March 31, 1944, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance, and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(2) *Divisions of Administration, Records, Equipment, Maintenance, and Construction.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1944, for ordinary recurring administrative expenses of operation, including the cost of printing Treasury checks for the department, the sum of $600,000.00

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1944, to be used by the Division of Rural Highways for the improvement, reconstruction and maintenance of county roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be expended in accordance with Chapter 5, Acts of the General Assembly, 1936 ....$2,000,000.00

(Of this amount, not more than 10 per cent may be used for Administrative purposes for the Rural Highway Division in the Highway Department.)

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1944, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law $1,000,000.00

(It is the intention of the Legislature that $700,000.00 of this appropriation be used and expended only upon approval of the Governor as it may become necessary for the Governor to expand the Highway Patrol services.)

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax and Tax on Other Motor Fuels.* There is hereby appropriated out of the State Highway Road Fund to the Department of Revenue for the fiscal year ending June 30, 1944, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels $130,000.00

(b) *Motor Transportation.* There is hereby appropriated out of the State Highway Fund for the fiscal year

ending June 30, 1944, for the use of the Department of Business Regulations, Division of Motor Transportation, for ordinary recurring expenses of operation $60,000.00

PART FOUR

The following sections 1, 2, 3, 4, 5 and 6 are enacted and apply to Parts One, Two and Three of the appropriations for the fiscal year ending June 30, 1943, and apply to Parts One-A, Two-A and Three-A of the appropriations for the fiscal year ending June 30, 1944.

1.

All receipts, fees, and/or revenue, regardless of whether heretofore specified in this Act, of every department, board, commission, institution, agency, division, or subdivision of the State Government shall be covered into the State Treasury, promptly as described in the general Statutes, through the Department of Finance and placed to the credit of the General Expenditure Fund, excepting those revenues which are specifically allocated to the State Road Fund or the Revolving Fund which shall be credited to their respective funds as provided for in this Act. The fees, receipts, and/or revenue of every officer, department, division, subdivision, commission, board, institution, or agency of the State Government shall be covered into the State Treasury, promptly as described in the general Statutes, and placed to the credit of the General Expenditure Fund and shall be used to defray the expenses of the State Government, and the appropriations made from the General Expenditure Fund in this Act, unless otherwise specifically appropriated to one of the professional boards, commissions, institutions, agencies, or subdivisions of the State Government for Revolving Fund purposes; such agencies shall be only those that are listed in this Act as having been approved for Revolving Fund Accounts.

2.

The appropriations herein made for the ordinary recurring expenses and extraordinary expense and capital outlay for any officer, department, board, commission, institution, and subdivisions of the State Government of the Commonwealth of Kentucky shall not be available for expenditure until allotted as now provided by law, and such appropriations as specifically made in this Act are hereby declared to be maximum and conditional appropriations except when the Governor determines an emergency exists in any department, board, commission, institution, or subdivision of the State Government requiring an additional allotment of funds to be made from the General Emergency Fund hereby placed at his disposal and made a specific appropriation to be used by him to meet existing emergencies so determined by him. This appropriation is designated under Section 4 "EXECUTIVE DEPARTMENT" Item (d)1, Part One for the fiscal year ending June 30, 1943, and Section 4, "EXECUTIVE DEPARTMENT" Item (d)1, Part One-A for the fiscal year ending June 30, 1944, of this Act.

Whereas a state of war exists in the United States, and the effect upon the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Legislature that the State expenditures for each fiscal year covered in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be finally determined until after the adjournment of this session of the Legislature, and

as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues accruing to the General Fund can not be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government, and to ascertain the total revenues anticipated to accrue to the General Expenditure Fund of the Commonwealth, and, upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general laws, is hereby authorized, empowered and directed by the Legislature to prevent an overdraft or deficit in any fiscal year for which appropriations are herein made, by equitably reducing, according to need, without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

None of the money appropriated specifically herein under the term "capital outlay" shall be allotted or expended without the approval of the Governor, and the Governor shall not approve the allotment or the expenditure of any funds for capital outlay unless the total amount of revenue accruing to the General Expenditure Fund through existing laws is sufficient to justify said expenditures and unless the Governor of the Commonwealth believes the expenditure of

said fund is feasible, taking into consideration the cost of labor and the cost and supply of materials incident thereto.

3.

To carry out the purpose of this Act for the ensuing (1942–44) biennium, the Commissioner of Finance is hereby empowered and granted the authority to make allotments and/or reallotments from appropriations made to the various officers, departments, boards, commissions, institutions, and subdivisions of the State Government, so as to prevent an overdraft, or a deficit in any fiscal year for which appropriations are herein made, and to prevent the maximum appropriation made to any officer, department, board, commission, institution, or subdivision of the State Government from being exceeded.

4.

Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1942, which was made under the provisions of Chapter 6, Chapter 16, and Chapter 261, Acts of the 1940 Session of the Legislature, and nothing in this Act is to be construed to amend or alter the Reorganization Act of 1936 as pertaining to the duties and powers of the Commissioner of Finance.

5.

In enacting this Budget Appropriation Law, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof, as a separate and/or specific appropriation and law; and if any section or any subsection thereof shall be held invalid, or unconstitutional the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

6.

All continuing appropriations in existence at the time of this Act are hereby discontinued and repealed by this Act. All laws and parts of laws in conflict with any of the provisions of the above enactments, to the extent of such conflict, are hereby repealed.

By Mr. Ward.

H. B. 2. An Act relating to public education.

Said bill is as follows.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The special fund appropriated out of the general fund for the purpose of equalizing educational service in local school districts shall be distributed and administered under the direction of the Superintendent of Public Instruction, with the approval of the State Board of Education, as provided in this act.

§ 2. Any board of education that has had its budget and salary schedule approved by the State Board of Education as provided by law and has levied the maximum school tax permitted by law, shall have the privilege of applying for aid from this special fund. Such application shall be filed with the Superintendent of Public Instruction on or before January 15 of each year except the year 1942, and previous to May 15, 1942.

§ 3. The Superintendent of Public Instruction shall make a careful study to determine the maximum amount of revenue that is available annually for the education of each child in average daily membership in the public schools in each school district in Kentucky. Such study to be used as the basis for the distribution of moneys from the special fund for the school year 1942-43, shall be based upon records and reports for the school year ending June 30, 1941. Thereafter

this study shall be made annually in the same manner. If the Superintendent of Public Instruction finds that a board of education is unable to provide an average of thirty dollars ($30) per year for the education of each child in average daily membership in its district, then the Superintendent of Public Instruction with the approval of the State Board of Education shall prorate from the funds appropriated for this purpose an amount sufficient to enable such board of education to provide an income of thirty dollars ($30) per year for the education of each child in average daily membership in such school district. In the event that the amount appropriated for this purpose is not sufficient to permit an allotment to each board of education for the full amount necessary to provide an income of thirty dollars ($30) per year per pupil in average daily membership, then the amount appropriated shall be distributed to all school districts which qualify for such aid on a percentage basis to be determined by the ratio of the funds appropriated for this purpose to the total amount necessary to provide an income of thirty dollars ($30) per child in average daily membership in the public schools of the entire Commonwealth.

§ 4. The special fund shall be allotted to the local boards of education which meet the provisions of this Act by the Superintendent of Public Instruction with the approval of the State Board of Education on or before April 1, prior to the beginning of each school year except in 1942, when such allotment shall be made on or before June 1. The funds so allotted shall be distributed to the local boards of education regularly as a supplement to the state per capita funds provided for such districts.

§ 5. The Superintendent of Public Instruction with the approval of the State Board of Education shall prescribe rules and regulations governing the administration and expenditures of any moneys allotted to local school districts from this special fund. The money allotted to any local board of education under the terms of this Act shall be received and

held and expended by it under the same liability and responsibility as provided by law for other funds which come into the hands of such board.

By Mr. Milam.

H. B. 3. An Act repealing Chapter 7 of the Acts of 1936, Third Extraordinary Session, and the amendments thereto, which amendments are Chapter 4 of the Acts of 1936, Fourth Extraordinary Session and Chapter 25 of the Acts of 1938, First Extraordinary Session, and known as the Kentucky Income Tax Law, and making said repeal applicable to all taxes which become due under the provisions of the aforesaid Act, as amended, for the calendar year 1941, and all subsequent years, and declaring the provisions of this Act severable.

Said bill is as follows, viz.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 7 of the Acts of 1936, Third Extraordinary Session, and the amendments thereto, which amendments are Chapter 4 of the Acts of 1936, Fourth Extraordinary Session, and Chapter 25 of the Acts of 1938, First Extraordinary Session, be, and the same are hereby repealed in their entirety

§ 2. That the provisions of this Act shall apply to all taxes which are due, or which may hereafter become due, under the provisions of Chapter 7 of the Acts of 1936, Third Extraordinary Session, as amended, for the calendar year 1941, and all subsequent years.

§ 3. If any section of this Act be held invalid or unconstitutional, such fact shall not affect any other section of the Act, it being the intention of the General Assembly of the Commonwealth of Kentucky to enact each section separately.

Ordered that said bills be printed and referred.

The Speaker announced that he had referred

H. B. 1. To Committee on Appropriations No. 1.

Mr. Ward offered the following Rules governing the 1942 session of the House of Representatives for the approval of the House, viz.

RULES OF HOUSE, 1940

Quorum of House

Rule 1. Five members of the House shall constitute a quorum for the purpose of adjourning; fifteen members for the purpose of calling a House, of sending for absent members and of making an order for their censure and fine; a majority of the members may proceed to business, and the numbers mentioned in this rule shall have power in the absence of the Speaker, to elect a Speaker pro tem. for the purposes above designated.

Hours of Meeting and Adjournment

Rule 2. The standing hour of meeting each day shall be 10 o'clock a. m., standard time, and the standing hour of adjournment shall be 3 o'clock p. m., except on Monday, when the hour of meeting shall be 1 o'clock p. m., and the hour of adjournment 3 o'clock p. m. Provided, however, that either the Speaker or a majority of the House may extend the sitting of any session at any time if the business of the House so requires; and provided, that when the roll is being called on any proposition and the hour of adjournment arrives, the time for adjournment shall be extended until said roll has been completed and the result announced. The hour of meeting and adjournment of the body shall be governed by the House clock over the main entrance.

ORDER OF BUSINESS

Rule 3. The order of business of each day shall be as follows:

(a) Invocation.
(b) Roll call.
(c) Reading of the Journal of preceding day and correction of any errors that may be found to exist therein.
(d) Petitions.
(e) Motions and resolutions, limited to one-half hour.
(f) Introduction of bills.
(g) Reports of special and standing committee in the order as contained in Rule No. 19.
(h) The Orders of the Day, which shall be called at not later than 12 o'clock noon each day except on Monday when the Orders of Day shall be called at not later than 2 o'clock.

Any business which remains unfinished upon the adjournment of the House or upon the call of the standing order of the day, shall be the first business in order each day when that section of the order of business is reached on the following convening day.

THE POWERS AND DUTIES OF THE SPEAKER

Rule 4. (a) The Speaker shall take the chair every day at the hour to which the House adjourned on the preceding day; he shall immediately call the members to order, and, a quorum being present, shall proceed with the order of business.

(b) He shall preserve decorum and order, and in case of disturbance or disorderly conduct in the gallery or lobbies, may cause the same to be cleared. In case of extreme disorder or confusion in the House, in the gallery, or in the lobbies such as renders it difficult or impossible to transact business in an orderly manner, the Speaker may declare a recess or an adjournment of the sitting.

(c) He shall have general control, except as provided by rule of law, of the hall of the House and of the corridors and passages, and of all rooms in that part of the Capitol assigned to the use of the House.

(d) He may speak to points of order in preference to other members, rising from the chair for that purpose.

(e) He shall decide questions of order subject to an appeal to the House on request of any two members, and the members appealing shall reduce the appeal to writing.

(f) The Speaker shall have supervision over all officers and employees of the House; and shall direct them as to their duties, and upon failure of any such official to perform said duties, the Speaker shall have power to order deductions from the pay of such offender, not to exceed the per diem of such official or employee for each offense. Such amount shall be entered upon the Journal and deducted from the compensation due such offender.

(g) The standing committees of the House, herein named, and all other committees, shall be appointed by the Speaker.

(h) If the Speaker be in doubt as to the result of a vote, and a division be called for, the House shall divide; those in the affirmative of the question shall rise from their seats and afterwards, those in the negative. If the Speaker be still in doubt, and a count be requested, the Speaker shall name two members, one from each side, who with the Clerk shall count those in the affrmative and the negative; which being reported, he shall rise and state the decision of the House; provided, however, that such decision or count shall not be allowed after the House shall have proceeded to other business.

(i) The Speaker shall have the right to name any member to perform the duties of the chair, but such Speaker pro tem. shall not be empowered to act beyond a period of five days.

(j) If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may through the Speaker, call the offender to order; and the member called to order shall immediately sit down unless permitted to explain, and should the member fail to comply with the order of the Speaker, then the Speaker shall direct the Sergeant-at-Arms to require such member to take his seat or direct the Sergeant-at-Arms to remove such member from the House for the remainder of the day.

(k) When two or more members arise at once, the Speaker shall name the member who is first to speak.

Duties Of The Clerk

Rule 5. (a) The Clerk shall have charge and supervision of all the clerical business of the House. He shall perform the duties imposed on him by law and the rules of the House. He shall have charge of the Clerk's desk and shall see that no one is permitted therein except himself and those assisting him.

(b) It shall be the Clerk's duty to read to the House all papers ordered to be read; to call the roll and note and report the absentees, when a call of the House is ordered; to call the roll and note the answers of members, when a question is taken by "yeas" and "nays"; to assist, under the direction of the Speaker, in taking the count when any vote of the House is taken; to notify committees of their appointment and the business referred to them; to superintend the execution of all printing ordered by the House and *to report to the Speaker,* to be submitted to the House, *every failure of the printer to execute the same properly and promptly.*

He shall attest all writs, warrants and subpoenas issued by order of the House and shall certify to the passage of all bills, and to the adoption of all resolutions by the House. In addition to his other duties, the Clerk shall keep the accounts for pay and mileage of members, officers and

attaches, and for printing and other contingent expenses of the House, and prepare and sign warrants for requisitions for the same.

The Clerk shall superintend the recording of the Journal of the proceedings, and engrossing and enrolling of bills, and shall cause to be kept and prepared for the printer the Daily Journal of the proceedings of the House.

(c) The Clerk shall have the custody of all records and papers of the House, and shall not allow them to be taken from the table or out of his possession without the leave of the House, unless to be delivered to the chairman of a committee to which they may have been referred, to the Senate, or to the Governor, and then he shall take a proper receipt therefor. He shall endorse on bills and papers brief notes of proceedings had thereon by the House and preserve the same in convenient files.

(d) Register of Bills. The Clerk shall keep a register of all bills introduced in the House or transmitted for concurrence from the Senate in which shall be recorded, under appropriate heads, the progress of such bills from the date of their introduction to the time of their transmission, if House bills, to the Governor; or if Senate bills, their return to the Senate.

(e) Engrossing Bills. When engrossing a bill the Chief Clerk may incorporate amendments by means of handwriting or typing. When an amendment strikes out any part of the original, it shall be indicated in the engrossed copy by two parallel lines over the part to be stricken out, in such a way as not to render illegible the original words. House amendments shall be indicated in red. The color shall be indicated by the writing itself in case of handwriting and by notations in the margin in cases where typing is used. The signature of the Clerk in the margin shall accompany all amendments.

The Clerk shall not engross Senate bills but shall attach amendments adopted thereto and report the same with the bill to the Senate.

(f) Bills to be preserved. When the enrolled copy of a House bill or resolution, signed by the presiding officer of each house, is returned to the Chief Clerk, he shall immediately attest it and deliver it to the Governor or his secretary. The Clerk shall file together the original copy in the form when introduced and a copy in the form as finally passed in the permanent files of his office.

(g) Printed bills after the Session. When the Chief Clerk has finished his work at the Capitol after a Session of the General Assembly, he shall transmit to the State Librarian the unused printed copies of bills in his possession. Before transmittal, he shall upon the face of printed bills which passed and were not amended, stamp the following words—"Became a law." Upon the face of printed copies which passed with amendment he shall stamp the words—"Became a law with amendments." Upon other copies he shall stamp the words—"Failed to pass." The State Librarian is directed to distribute these bills upon request of any interested person.

Duties of the Enrolling Clerk

Rule 6. The Enrolling Clerk of the House shall take charge of all House bills as soon as they are reported back to the House and ready to be enrolled. A register, by number and title, shall be kept in a suitable record book of all bills passed by both houses, attesting fact and date of passage. A printed copy upon safety paper, in the exact form as finally passed, shall be certified to by the Enrolling Clerk and delivered to the Committee on Enrollment. In cases of extreme emergency, where no correct printed copy is available, the enrolled copy may be in longhand. When signed by the Speaker of the House, the Enrolling Clerk shall deliver them at once to the Senate or such committees as may be authorized to receive them in that body.

Duties of the Sergeant-at-Arms

Rule 7. At least five minutes before the hour of convening each day the Sergeant-at-Arms shall clear the floor of the House Chamber of all persons not entitled to the floor, and shall announce in a loud and distinct voice, "All persons not entitled to the floor of the House under the rules thereof will now vacate the House Chamber." He shall then compel each and every person then in the House Chamber, who is not entitled to remain therein, to vacate.

He shall enforce the orders of the House and the Speaker in preserving order. If persons not entitled to be in the House shall come upon the floor it shall be his duty to remove them; and the Sergeant-at-Arms is empowered to deputize as many assistant Sergeants-at-Arms as he may deem necessary to carry out the orders of the Speaker. All fines levied under the rules of the House shall be collected by the Sergeant-at-Arms and covered into the State Treasury.

Duties of Other Officials

Rule 8. The duties of Doorkeepers, Cloakroom Keepers, Janitors and other officials or employees of the House shall be such as provided by law and as designated by the Speaker.

Bills and Resolutions

Rule 9. Members may file copies of bills or resolutions to be introduced at the Clerk's office, at any time. Copies filed shall be in triplicate, each copy signed by the member introducing same. One copy shall be for the permanent files of the Clerk, one copy for the printer and one for the use of the members of the press. Three hundred (300) copies of each bill shall be printed, but the Clerk may increase the number if in his discretion they are needed.

When introduction of bills is reached in the order of business, the Clerk shall report to the House the number, title and sponsor of each bill filed with him since his last report on

introduction of bills. One printed copy of each bill shall be marked and identified by the Chief Clerk and each said marked and identified printed bill shall thereafter be the official bill, and each bill as originally introduced shall be filed by the Chief Clerk with each official printed bill.

MOTIONS

Rule 10. *Order of Motions.* When a question is under debate, no motion shall be received but

(a) To fix the time to which the House shall adjourn.
(b) Adjourn.
(c) To lay on the table.
(d) For the previous question.
(e) To postpone to a day certain.
(f) To commit.
(g) To amend.
(h) To lay on the Clerk's desk.

Which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, or to commit being decided shall again be allowed on the same day and at the same stage of the bill or proposition.

Rule 11. *Motions.* (a) Motions in general which are not relevant to pending questions, bills or resolutions shall be made when the fifth order of business [Rule 3(e)] is reached each day.

(b) Motions relating to pending questions, bills and resolutions shall be made when such question, bill or resolution is brought up for consideration according to the rules of the House.

(c) After a motion is made and seconded, it shall be stated by the Speaker or being in writing, shall be handed to the Chair and read aloud by the Clerk before debate. Every motion shall be reduced to writing if the Speaker or any member so request.

(d) After a motion is stated by the Speaker or read by the Clerk, it shall be deemed in the possession of the House, but may be withdrawn by the consent of the House at any time before decision or amendment.

(e) The Speaker may state questions sitting, but shall rise to put a question.

Questions shall be distinctly put in this form, viz.:

"Gentlemen, you who are of the opinion that (as the question may be) say 'Aye' you of the contrary say "Nay'."

Rule 12. *Motion to Lay on Table.* The motion to lay on the table shall in all respects have the same effect in this House as in the House of Representatives of the Congress of the United States, except as otherwise provided in these rules.

Rule 13. *Motion to Lay on Clerk's Desk.* The motion to lay on the Clerk's desk in this House shall have the effect of laying aside the pending question temporarily and when the pending question is laid upon the Clerk's desk it may be taken therefrom at the Will of the House, and considered as an original proposition.

Rule 14. *Motion to Adjourn.* A motion to adjourn shall always be in order except during roll call or pending a motion to fix the time to which the House shall adjourn, and shall be decided without debate.

Rule 15. *Undebatable Motions.* The following motions shall be propounded without debate except as hereinafter in this rule provided:

(a) Motions to proceed or dispense with the Orders of the Day.

(b) Motion to suspend or dispense with any rule of the House.

(c) Motions to take up business out of its regular order.

(d) Motions to commit or recommit without instruction.

Provided, however, as follows:

First. Upon motion to lay on the table, the author of any measure shall have five minutes in which to explain the measure; and

Second. Provided further that no explanation of any vote shall be permitted during the call of the "ayes" and "nays" upon any undebatable motion.

Rule 16. *Motion to Reconsider.* A motion to reconsider any action of the House shall be in order if made in open session on the succeeding legislative day on which the House is in session; but such motion shall not be in order after such action has been had by the House in consequence of the decision proposed to be reconsidered, or after it has been sent to the Senate or Governor.

If any bill, motion or resolution has been, by vote, carried or lost, and a motion is made to reconsider the vote by which the bill, motion or resolution was carried or lost, and said motion to reconsider is laid upon the table, then no further motion shall be entertained relative to the subject matter carried by said bill, motion or resolution, unless by the unanimous consent of the House.

Rule 17. *The Previous Question.* The previous question being moved and seconded, the question from the chair shall be—"Shall the main question be now put?" A majority of the members elected to the House may order the previous question at any time. The effect of the previous question shall be to bring the House to a direct vote, first on all amendments pending at the time, and then upon the main question.

The ordering of the previous question shall put an end to all debate except as follows: Before the vote on an amendment, the proposer of the amendment shall have five minutes, and then the proposer of the measure sought to be amended shall have five minutes; and before the vote upon the main question, the opponents of the measure shall have ten minutes and then the proposer of the measure shall have ten minutes to close the debate. When a measure or an amendment has

been proposed by a committee, then the time given to the proposer shall be at the disposal of the chairman of the committee.

Amendments

Rule 18. (a) More than one amendment to any part or section of any proposition or bill shall not be offered at the same time or entertained by the Speaker.

(b) Each amendment originally pending shall be disposed of before another may be entertained to the same or any other part or section of the main proposition or bill.

(c) All committee amendments shall be disposed of before any other amendment may be offered by a member or entertained by the Speaker. Provided, however, that whenever and wherever blanks are to be filled, the rule above shall yield to general parliamentary law, and provided further, that when a motion or proposition is under consideration, a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, but said substitute shall not be voted on until the original matter is perfected.

(d) All committee substitutes shall be printed in like manner as bills and all other substitutes shall be disposed of at the will of the House.

(e) The Clerk shall furnish to members sheets with a proper heading printed in blank upon which amendments shall be written, and all amendments offered shall be on such blanks and bear the name of the member offering the same.

(f) No amendment shall be in order that is not germane to the matter under consideration; and the Speaker, when the question is raised, shall rule as to the admissibility of the proposed amendment.

Committees

Rule 19. *Standing Committees.* The following shall be and constitute the standing committees of the House of Rep-

resentatives, and each committee shall be composed of not less than five nor more than nine members, except the Veterans Legislation Committee, which shall be composed of all veterans who have served in the United States Army or Navy, and except the Committee on Rules, which shall consist of not less than eighteen nor more than twenty-seven members, besides the Speaker, who shall be Chairman:

Agriculture No. 1.
Agriculture No. 1A.
Alcoholic Liquor Control No. 1.
Alcoholic Liquor Control No. 1A.
Appropriations No. 1.
Appropriations No. 1A.
Banks and Banking.
Bond Issues.
Charities and Penal Institutions.
Circuit Courts.
Cities of the First Class.
Cities of the Second Class.
Cities of the Third Class.
Cities of the Fourth Class.
Cities of the Fifth and Sixth Classes.
Claims.
Classification of Cities and Towns.
Codes of Practice.
Compensation for Industrial Injuries.
Constitutional Amendments.
Corporate Institutions.
County and City Courts.
Court of Appeals.
Criminal Law.
Education No. 1.
Education No. 1A.
Enrollment.
Executive Affairs.

Federal Relations.
Fish and Game No. 1.
Fish and Game No. 1A.
Immigration and Labor.
Insurance, Fire and Marine.
Insurance, Life and Casualty.
Interurban and City Railways.
Judiciary.
Judicial Council.
Juvenile Courts and Children's Homes.
Kentucky Statutes No. 1.
Kentucky Statutes No. 1A.
Library and Historical Records.
Military Affairs.
Mines and Mining.
Miscellaneous Affairs.
Motor Transportation.
Municipalities.
Oils and Minerals.
Printing.
Public Bridges and Ferries.
Public Ditches.
Public Health No. 1.
Public Health No. 1A.
Public Utilities.
Publicity and Tourist Attractions.
Railroads.
Redistricting Congressional.
Redistricting Judicial.
Redistricting Legislative.
Retrenchment and Reform.
Revenue and Taxation No. 1.
Revenue and Taxation No. 1A.
Roads and Highways No. 1.
Roads and Highways No. 1A.
Rules.

Social Security.
State Affairs.
State Fair.
State and National Parks.
State Properties.
State University.
Suffrage and Elections.
Teachers' Colleges.
Trade and Commerce.
Veterans Legislation.
Ways and Means.

It shall not be competent for the House, by vote or otherwise, to add any one to the membership of either or any of said committees, but the Speaker shall have full power to fill vacancies and add members to either or any of said committees within the limitation as to numbers hereinabove provided.

Rule 20. *Committee of Whole House.* It shall be the standing order of the day throughout the session of the House to resolve itself into a committee of the whole House on the State of the Commonwealth. Robert's Rules of Order (latest revised edition) shall govern the proceedings in committee of the Whole House, anything in these rules to the contrary notwithstanding.

Rule 21. All questions, whether in the Committee or in the House, shall be disposed of in the order in which they are moved.

Rule 22. *Duties of Committees.* (a) When a bill shall have been referred to any committee, it shall be the duty of the Chairman of such committee to submit the bill to the consideration of his committee and such committee shall make such amendments to said bill as it may deem proper and report said bill to the House with such amendments. A majority of the members of the committee shall be present before a bill may be considered. No bill shall be considered

or a report of same determined upon, except when a committee is in session. A committee in reporting a bill to the House shall make its report in writing, and such a report shall be signed by a majority of such committee, but after said majority report has been made the minority may make its report, which shall also be in writing, and signed by the members of the committee making such report.

(b) If any Committee shall hold or refuse to report a bill or resolution for an unreasonable time, any member may make a motion to discharge the committee from further consideration of the bill and if a majority of all members elected to the House vote in favor of such a motion then the bill or resolution shall be considered in the same manner it would have been considered, if it had been reported by the committee without an expression of opinion.

The House shall, at all times, be the judge of what shall constitute an unreasonable length of time under this provision.

Rule 23. Whenever any committee shall report to the House a bill with the expression of opinion that it should not pass, said bill shall not be entitled to a reading unless it is ordered by the vote of a majority of all the members of the House; and upon the question whether or not said bill shall be read, the report of the committee to the contrary notwithstanding, no debate shall be allowed except that the originator of a bill or anyone indicated by him, shall have ten minutes in which to explain the bill; and any member of the committee who favors the report of the committee may have a like time in which to explain the action of the committee, and then if said bill shall be ordered to a reading, it shall be read the first time in full and recommitted or placed in the calendar.

Rule 24. *Enrollment Committee.* The Committee on Enrollment may report any time.

Rule 25. *Rules Committee.* No bill shall be considered by the House during the last fifteen legislative days of the

1940 Regular Session except upon the recommendation or report of the Rules Committee.

During the times next hereinabove provided, the Rules Committee shall be authorized to call from the other committees any bill or resolution in their hands and may have them advanced to the reading to which the bills may be entitled; providing, however, that for the first ten days thereof, the said committee shall cause to be posted on the day prior thereto, a list of bills and resolutions which are to be called, but said committee may withdraw from said list any bills or resolutions so posted.

If and when the time be fixed for the sine die adjournment of the 1942 regular session of the General Assembly, the "last fifteen legislative days" as hereinabove provided shall be held and construed to mean the last fifteen legislative days next prior to the time so fixed for the sine die adjournment. If the resolution be adopted for sine die adjournment within fifteen days of the time fixed for such adjournment, then the Rules Committee shall take charge for such lesser number of days as may remain from the time such resolution for sine die adjournment is adopted and the time fixed for such adjournment.

GENERAL PROCEDURE

Rule 26. *First Reading.* Upon the favorable report of a bill or joint resolution by any committee, the Clerk shall report the same in full, which shall be considered the first reading of the bill or joint resolution, and shall be so entered upon the Journal.

Rule 27. *Calendar.* When a bill has had its first reading, it shall be placed by the Clerk on a calendar to be kept by him, and said calendar shall be separate from the bills in the Orders of the Day. Each day when the House enters into the consideration of the Orders of the Day, the Clerk shall take up the Calendar and give all bills therein their second reading except such as have been placed thereupon that day.

Rule 28. *Orders of the Day.* When a bill has been read, a second time, it shall be placed in the Orders of the Day or recommitted and when next reached in the House, it shall be ready for amendment, recommitment or debate, or to be read a third time and placed upon its passage. A bill may be recommitted at any time before final passage. No bill shall be placed upon its final passage during the last day of the session except bills in possession of Conference Committees.

Rule 29. *Voting.*

(a) No member shall vote on any question in which he is directly or indirectly interested, or any question unless he was in the bar of the House before the result was announced.

(b) Every member in the House, when a question is put, or who is present before the results are announced, shall vote unless excused by the House; and all motions to excuse a member from voting shall be made before the House divides or before the call of the yeas and nays is commenced; and the motion or question to excuse a member shall be decided without debate, and in no event shall any member be excused from voting on a motion to excuse another member from voting. But this rule shall not apply to the Speaker, whose name shall not be called except upon his own request and then only at the end of the roll call and before the result is announced, but in all cases of a tie the Speaker shall vote.

(c) Before a vote shall be counted, the member casting it shall be either at his seat or visibly approaching it.

(d) All pairs announced in the House shall be entered on the Journal.

(e) Calls of Yeas and Nays. Upon a call of the yeas and nays on any question, the names of the members shall be called alphabetically, which shall be made at any time when a division or a count may be had, and upon the completion of any roll call, the Speaker shall, upon the request of any member, order the Clerk to call the absentees once.

(f) Call of the House. Upon a call of the House, the door shall not be shut against a member until his name is

called twice and then absentees shall be noted by the Clerk and fined one dollar unless excused by the House.

GENERAL PROVISIONS

Rule 30. When a member is about to speak in debate or deliver any matter to the House, he shall rise from his seat and respectfully address the Speaker of the House as "Mr. Speaker," but shall not proceed until recognized by the Speaker as the member from ————————.

Rule 31. No member shall speak more than twice on the same question without leave of the House, and he shall not speak more than once until every member of the House desiring to speak has spoken. No member shall be allowed to speak more than one-half hour in the aggregate.

Rule 32. While the Speaker is putting any question, or addressing the House, no one shall walk about the House or leave; neither in such case nor when a member is speaking, shall anyone talk or pass between the chair and the member who is speaking. No member shall in debate name another member.

Rule 33. Any proposed alteration, change or amendment of the Rules shall before a vote thereon is taken, be referred by the Speaker to a committee and the proposal shall be considered by the committee and reported in the same manner as bills and resolutions and before any alteration, change or amendment shall be adopted, a majority of the duly elected members of the House must vote in favor thereof.

In all cases where general parliamentary law provides for the rule of two-thirds, it shall mean in this House, a majority of the duly elected members of this House.

Rule 34. *Persons Entitled to Floor.* No person shall be permitted upon the floor of the House except the Governor, members of his family, his secretary and office aides or employees, and persons designated to the Speaker by the Governor as aides; Judges and Commissioners of the Court of

Appeals, members of the immediate families of legislators, officers of the Senate. Bona fide newspaper correspondents, designated as such in writing by the daily newspaper or press service they represent, shall be admitted to the privileges of the floor when recommended by the Capitol Press Club and approved by the Speaker; provided, that the Speaker may admit any such bona fide correspondent upon the request of the newspaper or press service represented by such correspondent notwithstanding any contrary recommendations of the Capitol Press Club. Such newspaper correspondents when admitted to the privilege of the floor shall be governed by the rules of this House. Accredited newspaper correspondents shall be assigned by the Speaker to a press section specifically set aside for them by the order of the Speaker.

Provided that any one person may be extended the privilege of the floor, but such privilege shall not be extended only for a specified day and no other; and, provided further that the Speaker shall have the power to limit the number of such motions for such invitations whenever in his judgment the business of the House so requires.

No person who shall have been extended the privilege of the floor for a specific time, as herein provided, shall engage in any activities for or against any bill, motion, or other proceeding upon the floor of the House while in session.

Rule 35. *Lobbying.* No person shall engage in lobbying for or against any measure while the House is in session in any of the corridors or passages or in any of the rooms in that part of the Capitol assigned to the use of the House, and no registered lobbyist shall enter into any of the rooms assigned to the use of the House while the House is in session, or remain in the corridors or passages on the third floor of the Capitol assigned to the use of the House. Provided, however, this rule shall not be construed to prohibit the use of the corridors or passages in going to and from the House galleries by any person.

No person registered as a lobbyist shall be extended the privilege of the floor and no extension of the privilege of the floor shall be valid as to any registered lobbyist unless it be stated openly on the floor at the time the motion is made that the person is a registered lobbyist and unless such person be invited by a majority vote of the House to appear and speak for or against pending legislation.

Rule 36. *Suspension of the Rules.* The standing rules of the House and the regular order of business shall not be suspended, amended or interrupted unless by a vote of a majority of the duly elected members of the House. Whenever the rules are suspended as above, no subject matter shall be considered under the suspension except the subject matter in whose favor the suspension was invoked and only for that day.

Rule 38. On all questions not provided for in the foregoing rules, the House shall be governed by the provisions of Robert's Rules of Order (latest revised edition).

Mr. Ward moved that the reading of the Rules be dispensed with.

Said motion was agreed to.

Mr. Lee Moore moved that the Rules as presented by Mr. Ward be approved and adopted by the House.

Said motion was agreed to.

Thereupon the House approved and adopted said Rules.

Mr. Ward moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Ward moved that the House do now recess for ten minutes.

Said motion was agreed to.

And then the House recessed.

Ten minutes having expired, the Speaker resumed the chair and called the House to order.

Mr. Lee Moore moved that the Rules of this House be suspended for the purpose of allowing Committees to report.

Said motion was agreed to.

Thereupon Mr. Lee Moore of the Committee on Appropriations No. 1, to which the same had been referred, reported resolutions and a bill of the following titles, viz:

H. Res. 1. Resolution appropriating the sum of $750.00 for a contingent fund for the Clerk of the Senate and $750.00 for a contingent fund for the Clerk of the House.

H. Res. 2. Resolution providing for the purchase of "The Legislative Digest."

H. Res. 3. Resolution appropriating additional compensation for officers and employees of the House and Senate.

H. B. 1. An Act appropriating money for the operation, maintenance, support and functioning of all Departments, Boards, Commissions, Institutions and sub-divisions of the State Government for the biennial period July 1, 1942 to July 1, 1944.

With the expression of opinion that said resolutions and bill ought to pass.

Said resolutions and bill were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Shaikun moved that the Rules of this House be suspended for the purpose of offering a resolution.

Said motion was agreed to.

Thereupon Mr. Shaikun offered the following resolution, viz.:

Whereas, God in his infinite wisdom on December 18, 1941, has seen fit to call from our midst the Honorable Louis B. Dugan, who was a Member of this body during the 1940 session of the Kentucky Legislature and who was duly re-elected in the general election of 1941 to serve again as Representative from the 56th Legislative District, Jefferson County, now therefore

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky:

That the Speaker appoint a Committee to draw up the proper resolution to be spread upon the Journal of this House and to be sent to the family of the Honorable Louis B. Dugan.

Said resolution was adopted.

Thereupon the Speaker named Messrs. Stephenson, Barry, Spillman, Shaikun, McPherson, McDevitt, Lovett and Charles Anderson as members constituting said Committee.

Mr. Ward moved that an indefinite leave of absence be granted Mr. Joe Robinson, Member from the county of Garrard.

Said motion was agreed to.

Mr. Milam moved that Miss Patricia Ward, daughter of Mr. Henry Ward, be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Ward moved that the House do now adjourn to meet again on tomorrow at one o'clock P. M.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 7, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend Harry Alexander of the Southern Presbyterian Church, Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

George P. Anderson	M. A. Cornett	A. G. Hamilton, Jr.
William F. Ball	John Henry Cox	Fuller Harding
Robert E. Barry	Rev. W. W. Crouch	E. R. Hilton
Robert E. Beatty	Guthrie F. Crowe	Clyde S. Howard
Rell Bevins	Pink G. Curd	Chas. O. Humston
Douglas T. Bolling	Dr. J. A. Duff	W. H. Hunt
H. M. Brock, Jr.	Harry W. Ennis	Crow Jarvis
Gus A. Brooks	John D. Fields	William L. Jones
Sherman E. Carter	T. P. Fitzpatrick	John S. Juett
C. L. Clayton	W. W. Freeman	W. A. Lamkin
T. Fowler Combs	Joseph J. Grace	H. W. Linville
Oris Cooper	Bert Hall	A. L. Love

William Lovett	Robert Nicholas	Charles L. Spilman
Harry K. Lowman	H. C. Patterson	James D. Stacey
Hugh D. Lyon	Paul Pelfrey	R. C. Stephenson
Cary McDevitt	B. W. Porter	Thomas M. Swope
Norris McPherson	Kleber F. Price	C. W. Taylor
Dr. Wm. C. Mann	James E. Quill	Egbert Taylor
Ed. Marcum	L. Allen Rhoads	Roy L. Taylor
C. C. May	Dr. J. J. Rice	Rev. H. Tinsley
J. Milton Mefford	Wade H. Riley	John L. Trumbo
D. J. Moore	Dr. M. M. Robinson	Erna E. Tyra
J. Lee Moore	Byron H. Royster	S. J. Wagner
L. D. Moore	Dr. K. N. Salyer	C. R. Walden
C. E. Montgomery	Carl Scheben	H. A. Ward
F. E. Morancy	Leon J. Shaikun	Henry Ward
E. R. Morlidge	Faust Y. Simpson	H. L. Waterfield
C. Sid Nabb	Clyde Smith	E. Reed Wilson
Coy Nevitt	Otto Smither	

Mr. Ward moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Simpson moved that a leave of absence be granted to all members of this House who are absent on today.

Said motion was agreed to.

Upon a call of the Counties and Legislative districts the following bills were introduced, viz:

By Mr. Grace.

H. B. 4. An Act relating to the Legislative Council.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. § 4618-142c of Baldwin's 1939 Supplement to Carroll's Kentucky Statutes is amended to read as follows:

(1) The Council shall meet as often as may be necessary to perform its duties, not exceeding forty days between regular sessions of the General Assembly. Meetings shall be called by the chairman, except when fixed by resolution of the Council. Upon written request of five members, the chairman shall call a meeting of the Council, if it has not already met forty days between regular sessions of the General Assembly.

(2) Members of Council, other than the chairmen, shall receive ten dollars per day for the time spent in attendance at sessions of the Council and their actual expenses incurred in attending the sessions. The Lieutenant-Governor, as chairman of the Council, shall receive an annual salary of three thousand dollars, payable monthly, in addition to the compensation allowed him by law for presiding over the State Senate and for acting as Governor, but in no event shall his total compensation during any year exceed five thousand dollars. The Lieutenant-Governor shall also receive his actual expenses incurred in attending sessions of the Council.

§ 2. This Act shall not relate to the present Lieutenant-Governor and shall not become effective until the inauguration of the next Lieutenant-Governor.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 7.040, and shall thereafter be treated as an amendment to KRS 7.040 rather than an amendment to § 4618-142c of Carroll's Statutes.

By Mr. Simpson.

H. B. 5. An Act providing for special police during the National Emergency.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person in charge of any premises, which he believes to be essential to National Defense, may apply to the Governor to appoint and commission such persons as the person in charge of such premises designates to act as special policemen. Upon such application the Governor may, if he believes it is to the interest of National Defense and the person recommended possesses the necessary qualifications, appoint the persons designated, or as many thereof as he deems proper, and shall issue to such as he appoints a commission to act as special policemen. The Governor shall designate the premises and the area surrounding the premises in which each appointee may exercise his powers as policeman.

§ 2. Every person appointed to act as a special policeman under this Act shall execute an official bond approved by the Governor, and take the oath required by Section 228 of the Constitution. The Secretary of State shall have custody of the bond and shall make a record of the certificate issued and keep the record in his office. The execution of the bond and the taking of the oath of office shall be endorsed upon the commission issued to the special policeman.

§ 3. Special policemen appointed under this Act shall possess and exercise the power of sheriffs in making arrests and shall be subject to all the liabilities of sheriffs while in the discharge of their duties. The powers of special policemen appointed under this Act shall not be limited by any other statute relating to non-elective peace officers or private policemen.

§ 4. Special police appointed under this Act shall, while on duty, wear a metallic badge or shield with the words "special police" and the name or initials of the person for whom appointed engraved thereon. The badge must be worn on the outside of the clothing, except that when the policeman is acting as a detective he may wear it concealed.

§ 5. The compensation of special policemen shall be paid by the person who applied for their appointment and shall be such as may be agreed upon between the policemen and the person paying them.

§ 6. When the person who applied for the appointment of any special policeman no longer requires the service of such policeman, he may file notice to that effect in the office of the Secretary of State. The Secretary of State shall note the filing of such notice upon the margin of the record where the commission is recorded, and thereupon the power of such policeman shall cease.

§ 7. This Act shall continue in force until the President of the United States proclaims that the present National Emergency is over, and upon such proclamation this Act shall stand repealed and the powers of every special policeman appointed under this Act shall cease.

§ 8. Whereas, there is a grave National Emergency and an immediate need for the protection of Defense industries in this State, an emergency is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

By Mr. Simpson.

H. B. 6. An Act to provide for an amendment to the Constitution of the Commonwealth of Kentucky,

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Constitution of Kentucky be amended by creating a new provision to read as follows:

Notwithstanding the provisions of Section 54 of the Constitution, the General Assembly may by general law provide for a compulsory system of Workmen's Compensation and provide for the enforcement thereof. The system shall not

embrace or include domestic, farm or steam railway employes and their employers, nor charitable, eleemosynary and educational institutions or their employes, but such employers and employes by joint application may accept the provisions of any Workmen's Compensation Law enacted by the General Assembly.

§ 2. This amendment shall be submitted to the people in the manner provided by Sections 256 and 257 of the Constitution of Kentucky and Chapter 38 of the Acts of the General Assembly of 1940, or, if the Kentucky Revised Statutes are enacted, in the manner provided by Sections 256 and 257 of the Constitution of Kentucky and KRS 118.430.

By Mr. Walden.

H. B. 7. An Act relating to obligations of Rural Electric Cooperative Corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 883j-17, 883j-18 and 883j-19 of Baldwin's 1939 Supplement to Carroll's Kentucky Statutes are consolidated into one section and amended to read as follows:

(1) Any corporation formed under §§ 883j-1 to 883j-30 may issue its obligations and pledge its future revenues for the payment thereof. The obligations may be in the form of bonds, notes, debentures, interim certificates or other evidences of indebtedness. The obligations shall be authorized by resolution of the board of directors, after a resolution is first passed by a majority of the common stockholders giving the board that power. The resolution of the board shall fix the dates of issuance and maturity, the rate and time of payment of interest, the denominations, the form (either coupon or registered), the registration privileges, the manner of execution, the place and medium of payment, and the terms

of redemption, but the period of maturity shall not exceed twenty-five years, or the rate of interest six percent, and the obligations shall not be made redeemable at more than par and accrued interest.

(2) The obligations may be issued for money or property, at public or private sale, for such price as the board determines, but the interest cost to maturity of the money or property received for any issue of the obligations shall not exceed six percent per annum, payable semi-annually, the value of the property for this purpose to be determined conclusively by the board.

(3) Pending the preparation or execution of definitive obligations, interim receipts or certificates or temporary obligations may be delivered to the purchaser of the obligations. All obligations and interest coupons issued pursuant to §§ 883j-1 to 883j-30 shall be negotiable instruments.

(4) Any corporation formed under §§ 883j-1 to 883j-30 may make such covenants or agreements and do such other things as may be necessary, convenient or desirable in order to secure its obligations, or that the board believes will tend to make the obligations more marketable, notwithstanding that such covenants, agreements or other things may constitute a limitation on the exercise of the powers granted by §§ 883j-1 to 883j-30.

(5) Any corporation organized under §§ 883j-1 to 883j-30 may, out of any funds available therefor, purchase or redeem any obligations issued by it at a price not exceeding the principal amount and accrued interest. All obligations so purchased shall be canceled and retired.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 279.130, and shall thereafter be treated as an amendment to KRS 279.130 rather than an amendment to §§ 883j-17, 883j-18 and 883j-19 of Carroll's Statutes and the words "this chapter" shall be substi-

tuted for the numbers §§ 883j-1 to 883j-30 wherever they appear in section one of this Act.

By Mr. Lamkin.

H. B. 8. An Act relating to the periods within which civil actions shall be commenced.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A cause of action for payment of any warrant of the Commonwealth shall expire and become noneffective unless brought within two years after the Commonwealth has in good faith offered to redeem the warrant by payment in full of all interest and principal due, or within two years from the effective date of this Act, whichever is the longer period.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be numbered and considered to be subsection (2) of KRS 413.110.

Ordered that said bills be printed and referred.

The House took up for consideration from the Calendar resolutions and bill of the following titles, viz.:

H. Res. 1. Resolution appropriating the sum of $750.00 for a contingent fund for the Clerk of the Senate and $750.00 for a contingent fund for the Clerk of the House.

H. Res. 2. Resolution providing for the purchase of "The Legislative Digest."

H. Res. 3. Resolution appropriating additional compensation for officers and employees of the House and Senate.

H. B. 1. An Act appropriating money for the operation, maintenance, support and functioning of all Departments, Boards, Commissions, Institutions and sub-divisions of the State Government for the biennial period July 1, 1942 to July 1, 1944.

Ordered that said bill and resolutions be read the second time.

The Constitutional provision as to the Second reading of said bill and resolutions at length being dispensed with, said bill and resolutions were read the second time by their titles only.

Ordered that said bill and resolutions be placed in the Orders of the Day.

The Speaker announced the personnel of the Committee on Kentucky Statutes No. 1, as follows, viz.:

Henry Ward, Chairman
Joe E. Robinson
Douglas T. Bolling
J. Lee Moore
Norris McPherson
Harry F. Walters
J. Claude Stacy
Kleber F. Price
T. Herbert Tinsley

Mr. Ward moved that the House do now adjourn to meet again on tomorrow at ten o'clock A. M.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 8, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend Harry Alexander of the Southern Presbyterian Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson, Jr.
George P. Anderson
William F. Ball
Robert E. Barry
W. T. Beard
Robert E. Beatty
Rell Bevins
Douglas T. Bolling
H. M. Brock, Jr.
Gus A. Brooks
Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
W. W. Freeman
Joseph J. Grace
Bert Hall
A. G. Hamilton, Jr.
Fuller Harding
Joe Higgins
E. R. Hilton
Clyde S. Howard
Chas. O. Humston
W. H. Hunt
Crow Jarvis
William L. Jones
John S. Juett
W. A. Lamkin
H. W. Linville
A. L. Love
William Lovett
Harry K. Lowman
Hugh D. Lyon
Cary McDevitt
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
D. J. Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Dr. M. M. Robinson
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Clyde Smith
Otto Smither
Charles L. Spilman
J. Claude Stacy
James D. Stacey
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
John L. Trumbo
Erna E. Tyra
S. J. Wagner
C. R. Walden
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson
Stanley S. Dickson, Speaker

Mr. Ward moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Quill offered the following resolution, viz.:

Be It Resolved by the House of Representatives:

Whereas, the Chief Executive has informed the General Assembly that the State's revenues are seriously impaired and endangered by war time conditions, and

Whereas, bills have been introduced proposing to reduce the State's revenues, and

Whereas, the members of this House desire the fullest possible official information regarding available revenues, prospective revenues and available surpluses so they may act intelligently on the appropriation bill now pending, therefore the Department of Revenue and the Department of Finance, or either of them, is requested to furnish this house, before Monday next, in sufficient supply to give one copy to each member:

That unencumbered cash balance in the general fund as of December 31, 1941.

The amount of revenue received in the general fund in the present fiscal year through December 31, 1941.

The amount of revenue received in the general fund in the corresponding six months of 1940-1941 fiscal year.

The actual income of the general fund in the fiscal year ended June 30, 1941, by sources, accompanied with the estimated income of the general fund in the present fiscal year, by sources, and the estimated income of the general fund, by sources, for each year of the next biennium.

Said resolution was adopted.

The Chief Clerk of the House announced that he had received notice of contest in the case of Phillip Stone, Con-

testant, versus W. H. Hunt, Contestee from the Seventeenth Legislative District.

Mr. Ward moved that nine members be selected in accordance with the requirements of the Constitution and the Statutes of Kentucky, to determine the contest in said case and make a report to this House, and that the Chief Clerk be direced to proceed with the selection of said Committee in conjunction with the Speaker of the House.

Said motion was agreed to.

The Speaker then announced that the House would proceed according to law and pursuant to the provisions of the motion above set out, to select by lot nine members to constitute said Board to determine the contest to the right to a seat in this House in the case aforesaid.

Mr. Ward moved that in case the names of the Speaker, Stanley S. Dickson, or the Floor Leader, Henry Ward were drawn, that they be excused by the House from service on said Committee.

Without objection, said motion was agreed to.

The names of the members, with the exception of the Contestee, were written on separate pieces of paper, rolled and placed in a box by the Chief Clerk in the manner provided by law, who, after the same had been well shaken, drew the names of nine members of the House therefrom separately, which were opened and read aloud by the Speaker of the House: Messrs. Egbert Taylor, Wagner, Brooks, Beard, Spillman, Cox, Crouch, Jarvis, L. D. Moore.

Whom the Speaker declared members of said Board.

Whereupon the members of said Committee appeared

before the bar of the House where the oath of office was administered by the Speaker.

Ordered that the Chief Clerk deliver all papers and documents in said case to the Contest Committee.

The Chief Clerk of the House announced that he had received notice of contest in the case of Huber Cooper, Contestant, versus J. A. Duff, Contestee from the Twenty-first Legislative District.

Mr. Ward moved that nine members be selected in accordance with the requirements of the Constitution and the Statutes of Kentucky, to determine the contest in said case and make a report to the House, and that the Chief Clerk be directed to proceed with the selection of said Committee in conjunction with the Speaker of the House.

Said motion was agreed to.

Mr. Ward moved that in case the names of the Speaker, Stanley S. Dickson or the Floor Leader, Henry Ward, were drawn, that they be excused by the House from service on said Committee.

Without objection, said motion was agreed to.

The names of the members, with the exception of the Contestee, were written on separate pieces of paper, rolled and placed in a box by the Chief Clerk in the manner provided by law, who, after the same had been well shaken, drew the names of nine members of the House therefrom separately, which were opened and read aloud by the Speaker of the House: Messrs. Ball, Shaikun, Lowman, Wm. L. Jones, Wilson, Morlidge, Carter, Humston and Brock.

Whom the Speaker declared members of said Board.

Whereupon the members of said Board appeared before the bar of the House where the oath of office was administered by the Speaker.

Ordered that the Chief Clerk deliver all papers and documents in said case to the Contest Committee.

Mr. Ward moved that the Chief Clerk be directed to have two hundred extra copies of H. B. 1 and H. B. 2, printed.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. May.

H. Res. 4. Joint Resolution providing for the purchase of five hundred and fifty copies of the Kentucky Directory, and the distribution thereof, and appropriating $1,100.00 to purchase same.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated $1,100.00 out of the General Expenditure Fund to be used by the State Librarian for the purchase of the Kentucky Directory, 1942 Edition.

Section 2. That the State Librarian shall purchase, at not exceeding two dollars per copy, five hundred and fifty copies of the book entitled "Kentucky Directory 1942" for the use of the Courts, state and county officers and members of the General Assembly. The Librarian shall furnish the members of the General Assembly and such officers as are designated by the presiding officers of the respective houses a

copy of same and shall furnish the state officials with copies thereof and shall send a copy to the circuit court clerk of each county in the state to be kept in his office. The Librarian shall furnish to the Librarian of each state and territory of the Union a copy of said book, and a copy to the Librarian of Congress, and shall deliver to the Secretary of State fifty copies to be exchanged with the Secretaries of State of other states for directories of their state. Upon receipt of the books the Librarian shall certify the bill therefor to the Commissioner of Finance and he shall draw his warrant on the State Treasurer for the amount certified which shall be paid out of the General Expenditure Fund.

Section 3. It being necessary that the officers should have the books herein provided for at once, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor.

By Mr. Swope.

H. B. 9. An Act relating to holidays.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor is authorized and requested to designate, annually, the day upon which the Kentucky Derby is held as "Kentucky Derby Day," on which all public offices and places of business may be closed and on which appropriate ceremonies may be conducted to honor the thoroughbred horse.

By Mr. Crouch.

H. B. 10. An Act to promote the public welfare by granting the free use of intra-state highway toll bridges to the citizens of any county within which both ends of any said bridge are situated.

Said bill is as follows, viz.:

WHEREAS, there are several counties within Kentucky which are cut into two (2) parts by rivers which transverse their territory, and

WHEREAS, in several of these counties the State Highway Department has erected, and will erect, toll bridges across these rivers, thus compelling large portions of the citizenry of these counties to go to considerable expense to themselves in order to serve the State as jurors, witnesses, attendants upon courts, and the discharge of numerous other necessary functions of good citizenship at the county seats of their respective counties, while the citizens of other counties without toll bridges have no such hardships. Now, in order to remedy these inequalities:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. All citizens of any county in which both ends of any highway toll bridge are situated shall have free use without toll of said bridge for all purposes and manner of highway travel and conveyance, except that no such privileges are hereby granted to any citizen of said county when operating any motor vehicle for hire, or commercial purposes, or as a public carrier.

By Mr. J. D. Stacey.

H. B. 11. An Act relating to motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2739g-82 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

"No person shall operate on any highway any motor-truck or semi-trailer truck whose gross weight, including the load, exceeds twenty-eight thousand pounds."

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 189.220, and thereafter be treated as an amendment to KRS 189.220 rather than an amendment to § 2739g-82 of Carroll's Statutes.

By Mr. Quill.

H. B. 12. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 4281b-1 to 4281b-39 inclusive, of Carroll's Kentucky Statutes, 1936 edition, as amended by the Act of 1938, first extraordinary session, Chapter 25, and the Act of 1940, Chapter 179, are hereby repealed.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing Chapter 141 of the Revised Statutes, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 1. Resolution appropriating the sum of Seven Hundred and Fifty Dollars ($750.00) for a contingent fund for the Clerk of the Senate, and appropriating the sum of Seven Hundred and Fifty Dollars ($750.00) for a contingent fund for the Clerk of the House.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That for the purpose of paying such expenses as the Chief Clerk of the Senate of Kentucky is directed to incur by the Senate of Kentucky there is set aside out of the appropriation made by Chapter 1 of the Acts of 1940 for legislative sessions as a contingent fund, the sum of seven hundred and fifty dollars ($750.00), and for the purpose of paying the expenses incurred by the Chief Clerk of the House of Representatives, under the direction of the House of Representatives of the Commonwealth of Kentucky, there is hereby set aside out of the appropriation made by Chapter 1 of the Acts of 1940 for legislative sessions as a contingent fund, the sum of seven hundred and fifty dollars ($750.00). Said respective funds shall be paid out on warrant of the Department of Finance on requisition of the Chief Clerk of the Senate and of the House of Representatives.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Gus A. Brooks	Guthrie F. Crowe
George P. Anderson	Sherman E. Carter	Pink G. Curd
William F. Ball	C. L. Clayton	Dr. J. A. Duff
Robert E. Barry	T. Fowler Combs	Forest C. Easley
W. T. Beard	Oris Cooper	Harry W. Ennis
Robert E. Beatty	M. A. Cornett	John D. Fields
Rell Bevins	John Henry Cox	T. P. Fitzpatrick
Douglas T. Bolling	Rev. W. W. Crouch	W. W. Freeman

Joseph J. Grace	J. Milton Mefford	Faust Y. Simpson
Bert Hall	D. J. Moore	Otto Smither
A. G. Hamilton, Jr.	L. D. Moore	Charles L. Spilman
Fuller Harding	C. E. Montgomery	J. Claude Stacy
E. R. Hilton	F. E. Morancy	James D. Stacey
Clyde S. Howard	E. R. Morlidge	R. C. Stephenson
Chas. O. Humston	C. Sid Nabb	Thomas M. Swope
W. H. Hunt	Coy Nevitt	C. W. Taylor
William L. Jones	Robert Nicholas	Egbert Taylor
John S. Juett	Paul Pelfrey	Roy L. Taylor
W. A. Lamkin	B. W. Porter	Rev. H. Tinsley
H. W. Linville	Kleber F. Price	John L. Trumbo
A. L. Love	James E. Quill	Erna E. Tyra
William Lovett	L. Allen Rhoads	S. J. Wagner
Harry K. Lowman	Dr. J. J. Rice	C. R. Walden
Hugh D. Lyon	Wade H. Riley	Harry Walters
Cary McDevitt	Dr. M. M. Robinson	H. A. Ward
Norris McPherson	Byron H. Royster	Henry Ward
Dr. Wm. C. Mann	Dr. K. N. Salyer	H. L. Waterfield
Ed. Marcum	Carl Scheben	E. Reed Wilson
C. C. May	Leon J. Shaikun	

Resolved that the title thereof be as aforesaid.

Mr. Ward moved that the vote by which said resolution was adopted be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 2. Resolution providing for the purchase of "The Legislative Digest."

Said resolution is as follows, viz.:

WHEREAS, it is a matter of importance and convenience

that each Representative and each Senator be advised as to the various and detailed steps of legislation; and

WHEREAS, the General Assembly for each of the past sessions since 1912 has approved and adopted as its official publication "The Legislative Digest," published under the management of competent and experienced persons, the purpose of which is to fully advise from day to day the officials and public of the Commonwealth as to matters affecting them in an intelligent and prompt manner; now, therefore

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky and the Senate of the Commonwealth of Kentucky concurring, that:

§ 1. The C. T. Deering Company hereby is authorized, requested and directed to furnish two hundred (200) copies of "The Legislative Digest" daily for delivery and distribution as hereinafter provided. The C. T. Deering Company will be paid the sum of two thousand and five hundred ($2,500.00) dollars for furnishing two hundred copies of "The Legislative Digest" daily as provided in this Resolution, which amount hereby is fixed, determined, approved and allowed as a contingent expense of the 1940 regular session of the General Assembly of Kentucky. Said amount will be paid on or before March 30, 1942, out of the appropriation made by Chapter 1 of the Acts of 1940 for legislative sessions. The C. T. Deering Company will present to the Speaker of the House and to the President of the Senate its bill for two thousand and five hundred ($2,500.00) dollars and the Speaker of the House and the President of the Senate hereby are authorized and directed to approve said bill for payment out of the appropriation hereinabove referred to; and when said bill is so approved the Department of Finance shall issue his warrant upon the State Treasurer in payment thereof, and the State Treasurer shall issue and deliver a check upon the State Treasury for the payment thereof.

§ 2. The C. T. Deering Company hereby is directed to

furnish and deliver daily to the Clerk of the House one hundred and ten (110) copies of "The Legislative Digest" for distribution to the Members of the House and to such officers of the House as the Speaker may direct; to furnish and deliver daily to the Clerk of the Senate forty-five (45) copies of "The Legislative Digest" for distribution to the members of the Senate and to such officers of the Senate as the President of the Senate may direct; and to furnish and deliver daily the remaining forty-five (45) copies of "The Legislative Digest" to the Governor of the Commonwealth of Kentucky and to such departments, officers and employees of the Commonwealth as the Governor of the Commonwealth, the President of the Senate and the Speaker of the House may direct. The Speaker of the House, the President of the Senate and the Governor of the Commonwealth hereby are requested to furnish to the C. T. Deering Company a list of the departments, officers and employees to whom said copies are to be furnished as hereinabove provided.

The word "daily" as hereinabove used shall be construed to mean each day that the House or Senate is in session.

§ 3. "The Legislative Digest" hereby is adopted and approved as the official publication of the General Assembly of Kentucky.

§ 4. The Clerk of the House of Representatives, on the passage of this Resolution and the concurrence therein by the Senate, hereby is directed to furnish and deliver to the Department of Finance an attested or certified copy of this Resolution; and the amount hereinabove provided to be paid shall be noted and entered on the books of the Department of Finance as a charge against the appropriation hereinabove referred to.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	E. R. Hilton	B. W. Porter
George P. Anderson	Clyde S. Howard	Kleber F. Price
William F. Ball	Chas. O. Humston	James E. Quill
Robert E. Barry	W. H. Hunt	L. Allen Rhoads
W. T. Beard	Joe B. Jarboe, Jr.	Dr. J. J. Rice
Robert E. Beatty	Crow Jarvis	Dr. M. M. Robinson
Rell Bevins	William L. Jones	Byron H. Royster
Douglas T. Bolling	John S. Juett	Dr. K. N. Salyer
H. M. Brock, Jr.	W. A. Lamkin	Carl Scheben
Gus A. Brooks	H. W. Linville	Leon J. Shaikun
Sherman E. Carter	A. L. Love	Clyde Smith
C. L. Clayton	William Lovett	Otto Smither
T. Fowler Combs	Harry K. Lowman	Charles L. Spilman
Oris Cooper	Hugh D. Lyon	James D. Stacey
M. A. Cornett	Cary McDevitt	R. C. Stephenson
John Henry Cox	Norris McPherson	Thomas M. Swope
Rev. W. W. Crouch	Dr. Wm. C. Mann	Egbert Taylor
Guthrie F. Crowe	Ed. Marcum	Roy L. Taylor
Pink G. Curd	C. C. May	Rev. H. Tinsley
Dr. J. A. Duff	J. Milton Mefford	John L. Trumbo
Forest C. Easley	D. J. Moore	Erna E. Tyra
Harry W. Ennis	L. D. Moore	S. J. Wagner
John D. Fields	C. E. Montgomery	C. R. Walden
T. P. Fitzpatrick	F. E. Morancy	Harry Walters
W. W. Freeman	E. R. Morlidge	H. A. Ward
Joseph J. Grace	C. Sid Nabb	Henry Ward
Bert Hall	Coy Nevitt	H. L. Waterfield
A. G. Hamilton, Jr.	Robert Nicholas	E. Reed Wilson
Fuller Harding	Paul Pelfrey	

Resolved that the title thereof be as aforesaid.

Mr. Ward moved that the vote by which said resolution

was adopted be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 3. Resolution appropriating additional compensation for officers and employees of the House and Senate.

Said resolution is as follows, viz.:

WHEREAS, the General Assembly deems the compensation of the officers and employees of the Senate and the House of Representatives, as provided for in Chapter 88 of the Acts of the General Assembly of 1936, inadequate for the proper functioning of the business of the Senate during 1940 regular session.

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated from the Legislative Session Fund as additional compensation for the following officers and employees of the Senate and the House of Representatives: Assistant Clerk, Enrolling Clerk, Sergeant at Arms, Doorkeeper, Cloakroom Keeper, Janitor and Pages, to that compensation as provided for in Chapter 88 of the Acts of the General Assembly of 1936, the sum of Thirty Dollars ($30.00) per diem, for each body, for the duration of the 1942 regular Session.

§ 2. That the aforesaid amount shall be pro rated among the aforenamed constitutional officers and employees, according to the per diem set forth in Chapter 88 of the Acts of the General Assembly of 1936, and shall be by the Department of Finance charged to the account of the aforenamed officers and employees of the Senate and the House of Representatives on this basis.

§ 3. That the Clerk of the Senate and the Clerk of the House of Representatives are directed to issue vouchers to the Commissioner of Finance, who shall draw his warrant in favor of the Clerk of the Senate and the Clerk of the House of Representatives for the above mentioned amounts, and that the Clerk of the Senate and the Clerk of the House of Representatives are further directed to distribute the additional compensation to the above mentioned officers and employees as provided in Chapter 88 of the Acts of the General Assembly of 1936.

WHEREAS, it is necessary that this additional compensation be received by the officers and employees of the 1942 regular Session in order to properly expedite the business of the Senate and the House of Representatives, an emergency is hereby declared to exist and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and adopted.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	H. M. Brock, Jr.	Rev. W. W. Crouch
George P. Anderson	Gus A. Brooks	Guthrie F. Crowe
William F. Ball	Sherman E. Carter	Pink G. Curd
Robert E. Barry	C. L. Clayton	Dr. J. A. Duff
W. T. Beard	T. Fowler Combs	Forest C. Easley
Robert E. Beatty	Oris Cooper	Harry W. Ennis
Rell Bevins	M. A. Cornett	John D. Fields
Douglas T. Bolling	John Henry Cox	T. P. Fitzpatrick

W. W. Freeman	C. C. May	Faust Y. Simpson
Joseph J. Grace	J. Milton Mefford	Clyde Smith
Bert Hall	D. J. Moore	Otto Smither
A. G. Hamilton, Jr.	L. D. Moore	Charles L. Spilman
Fuller Harding	C. E. Montgomery	James D. Stacey
E. R. Hilton	F. E. Morancy	R. C. Stephenson
Clyde S. Howard	E. R. Morlidge	Thomas M. Swope
Chas. O. Humston	C. Sid Nabb	C. W. Taylor
W. H. Hunt	Coy Nevitt	Egbert Taylor
Crow Jarvis	Robert Nicholas	Roy L. Taylor
William L. Jones	Paul Pelfrey	Rev. H. Tinsley
John S. Juett	B. W. Porter	John L. Trumbo
W. A. Lamkin	Kleber F. Price	Erna E. Tyra
H. W. Linville	James E. Quill	S. J. Wagner
A. L. Love	L. Allen Rhoads	C. R. Walden
William Lovett	Dr. J. J. Rice	Harry Walters
Harry K. Lowman	Wade H. Riley	H. A. Ward
Hugh D. Lyon	Dr. M. M. Robinson	Henry Ward
Cary McDevitt	Byron H. Royster	H. L. Waterfield
Norris McPherson	Dr. K. N. Salyer	E. Reed Wilson
Dr. Wm. C. Mann	Carl Scheben	
Ed. Marcum	Leon J. Shaikun	

Resolved that the title thereof be as aforesaid.

Mr. Ward moved that the vote by which said resolution was adopted, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a resolution entitled:

S. Res. 4. Concurrent Resolution for sine die adjournment.

Said resolution is as follows, viz.:

Be it Resolved by the Senate of Kentucky, the House of Representatives concurring therein, That

When the General Assembly adjourns on March 3, 1942, it adjourn sine die.

Mr. Ward moved that a bill entitled:

H. B. 1. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky, for the fiscal years ending June 30, 1943, and June 30, 1944, etc.

Be made a Special Order of the Day for Monday, January 12, at two o'clock P. M.

Said motion was agreed to.

Mr. Ward moved that the Rules of this House be suspended for the purpose of considering Senate Resolution No. 4 previously reported to this House.

Said motion was agreed to.

Thereupon the House took up for consideration said Resolution.

For resolution see Journal of today, ante.

Said resolution was adopted.

Mr. Ward moved that the Rules of this House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

Thereupon the following bills were introduced, viz.:

By Mr. Love.

H. B. 13. An Act relating to the conduct of auction sales.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No auctioneer or other person conducting a sale by auction shall speak in such a manner that persons of normal and ordinary hearing standing within fifty feet of him are unable to clearly hear and distinguish his voice and words in conducting the sale.

§ 2. Any person who violates section one of this Act shall be fined not less than Ten Dollars nor more than Fifty Dollars.

By Mr. Love.

H. B. 14. An Act to amend the Constitution of the Commonwealth of Kentucky to provide that the General Assembly may, by appropriate legislation, abolish real estate taxes payable to the Commonwealth

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all the members elected to each House of the General Assembly of the Commonwealth of Kentucky, the yeas and nays being taken thereon and entered in full on their respective Journals, the Constitution of the Commonwealth of Kentucky be and the same is hereby amended and revised so that when amended and revised it shall contain the following, to-wit:

The General Assembly shall have authority to enact legislation abolishing ad valorem real estate taxes payable to the Commonwealth of Kentucky.

§ 2. This amendment shall be submitted to the voters of the Commonwealth of Kentucky for their ratification or rejection at the next general election for members of the House of Representatives as provided for under Sections 256 and 257 of the Constitution of Kentucky and Chapter 38 of the Acts of 1940, or, if the Kentucky Revised Statutes are enacted, under Sections 256 and 257 of the Constitution and KRS 118.430

By Mr. Walters.

H. B. 15. An Act regulating purchasers of poultry, livestock, tobacco, grain, wool and other farm products for the purpose of resale, and providing penalties for violations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Every person that purchases any poultry, livestock, tobacco, grain, wool or any other farm products for the purpose of resale shall keep a permanent record of all such purchases, showing in detail the place and date of purchase, the name, age, description and address of the person from whom the purchase was made, a general description of the kind and quantity of the product or property purchased, and the license number and description of any truck or motor vehicle used in transporting it. The record shall at all reasonable times be open to the inspection of any public officer when in the discharge of his official duties.

§ 2. Any person who violates this Act shall, for the first offense, be punished by a fine of not less than ten nor more than one hundred dollars, and for each subsequent offense by a fine of not less than one hundred nor more than five hundred dollars, or imprisonment in the county jail not more than sixty days, or both so fined and so imprisoned.

§ 3. Any person who knowingly gives a purchaser false information in lieu of the information required by this Act

shall be imprisoned in the county jail for not less than thirty days nor more than six months.

By Mr. Walters.

H. B. 16. An Act relating to larceny.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1196 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

If any person steals a hog, sheep, wool, tobacco, grain, feed or seed of the value of four dollars or more, he shall be confined in the penitentiary for not less than one year nor more than five years.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes be substituted in place of subsection (2) of KRS 433.250, and shall hereafter be treated as an amendment to subsection (2) of KRS 433.250 rather than an amendment to § 1196 of Carroll's Statutes.

By Mr. Salyer.

H. B. 17. An Act relating to the payment of wages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 576a-1 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

§ 1. Every corporation for pecuniary profit doing business in this state shall, as often as weekly, pay to each of its employes all wages or salary earned by him to a day not more

than six days prior to the date of that payment. Any employe who is absent at the time fixed for payment, or who, for any other reason, is not paid at that time, shall be paid thereafter at any time upon demand. Any employe who leaves or is discharged from his employment shall be paid in full following his dismissal or voluntary leaving at any time upon three days' demand. No corporation subject to this section shall, by any means, secure exemption from it. Every such employe shall have a right of action against any such corporation for the full amount of his wages due on each regular pay day.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 337.020, and thereafter be treated as an amendment to KRS 337.020 rather than an amendment to § 576a-1 of Carroll's Statutes.

Ordered that said bills be printed and referred.

The Speaker announced the personnel of the following Standing Committees of the House, viz.:

REVENUE AND TAXATION No. 1

Joe E. Robinson, Chairman
Henry Ward, Vice-Chairman
Harry F. Walters
Douglas T. Bolling
J. Claude Stacey
Rell Bevins
Guthrie F. Crowe
Joseph J. Grace
Robert L. Nicholas

EDUCATION No. 1

Faust Simpson, Chairman
Raymond C. Stephenson
E. R. Hilton
Cass R. Walden
Otto Smither
Forrest Easley
Roy L. Taylor
Joe B. Jarboe
B. W. Porter

Mr. Ward moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Ward moved that the Rules of this House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Thereupon the following bill was introduced, viz.:

By Mr. Salyer.

H. B. 18. An Act relating to Workmen's Compensation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4899 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

For injuries enumerated in the following schedule the employee shall receive in lieu of all other compensation, except such as may be payable under Sections 4883 and 4885 hereof, a weekly compensation equal to sixty-five per cent (65%) of his average weekly earnings, but not less than five dollars ($5.00) per week nor exceeding twelve dollars ($12.00) per week for the respective periods stated thereon, to-wit:

For the loss of a thumb, sixty-five per cent (65%) of the average weekly wages during 60 weeks.

For the loss of a first finger, commonly called the index finger, sixty-five per cent (65%) of the average weekly wages during 45 weeks.

For the loss of a second finger, sixty-five per cent (65%) of the average wages during 30 weeks.

For the loss of a third finger, sixty-five per cent (65%) of the average weekly wages during 20 weeks.

For the loss of a fourth finger, commonly known as the little finger, sixty-five per cent (65%) of the average weekly wages during 15 weeks.

The loss of the second, or distal phalange, of the thumb shall be considered to be equal to the loss of one-half of such thumb; the loss of more than one-half of such thumb shall be considered to be equal to the loss of the whole thumb.

The loss of the third, or distal phalange, of any finger shall be considered to be equal to the loss of one-third of such such finger.

The loss of the middle, or second phalange, of any finger shall be considered to be equal to the loss of two-thirds of such finger.

The loss of more than the middle and distal phalanges of any finger shall be considered to be equal to the loss of the whole finger; provided, however, that in no case will the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.

For the loss of a metacarpel bone (bone of palm) for the corresponding thumb, finger or fingers above add ten weeks to the number of weeks as above

For ankylosis (total stiffness of) or contractures (due to sears or injuries), which makes the fingers more than useless, the same number of weeks apply to such finger or fingers (not thumb) as given above.

For the loss of a hand, sixty-five per cent (65%) of the average weekly wages during one hundred and fifty weeks.

For the loss of an arm, sixty-five per cent (65%) of the average weekly wages during two hundred weeks.

For the loss of one of the toes, other than the great toe, sixty-five per cent (65%) of the average weekly wages during 10 weeks.

For the loss of the great toe, sixty-five per cent (65%) of the average weekly wages during thirty weeks.

The loss of more than two-thirds of any toe shall be considered equal to the loss of the whole toe.

The loss of less than two-thirds of any toe shall be considered to be equal to the loss of one-half toe.

For the loss of a foot, sixty-five per cent (65%) of the average weekly wages during 125 weeks.

For the loss of a leg, sixty-five per cent (65%) of the average weekly wages during 200 weeks, or the total and permanent loss of the sight of an eye, sixty-five per cent (65%) of the average weekly wages during 100 weeks.

In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employee and age at the time of injury; the compensation paid therefor shall be sixty-five per cent (65%) of the average weekly earnings of the employee, but not less than five dollars ($5.00) nor more than twelve dollars ($12.00), multiplied by the percentage of disability caused by the injury, for such period as the board may determine, not exceeding 335 weeks nor a maximum sum of four thousand dollars ($4,000.00), and this compensation shall be paid in full to the employee, regardless of his earning capacity, whether it be the same, or more or less after his injury than it was before. Whenever the weekly payments under this paragraph would be less than three dollars ($3.00) per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in Sections 4883 and 4885 of this act,

is paid under any other provision of this act, the period during which such other compensation is paid and the amount thereof shall be deducted respectively from the maximum period and maximum amount which may be paid under this paragraph.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof: In all other cases of permanent partial disability, including any disfigurement which will impair the future usefulness or occupational opportunities of the injured employee, compensation shall be determined according to the percentage of disability, taking into account, among other things, any previous disability, the nature of the physical injury or disfigurement, the occupation of the injured employee and age at the time of injury. The compensation paid therefor shall be 65 percent of the average weekly earnings of the employee but not less than $5 nor more than $12, multiplied by the percentage of disability caused by the injury, for such period as the board determines, not exceeding 335 weeks nor a maximu msum of $4,000, and this compensation shall be paid in full to the employee, regardless of his earning capacity, whether it be the same, or more or less after his injury than it was before. Whenever the weekly payments under this section would be less than $3 per week, the period may be shortened and the payments correspondingly increased to that amount. Where compensation, except as provided in KRS 342.020 and 342.030, is paid under any other provision of this chapter, the period during which such other compensation is paid and the amount thereof shall be deducted respectively from the maximum period and maximum amount which may be paid under this section. The provision so substituted by this section shall thereafter be treated as an amendment to KRS 342.110 rather than an amendment to § 4899 of Carroll's Statutes, and KRS 342.105 shall remain in full force and effect and shall not be treated as affected by this Act.

Ordered that said bill be printed and referred.

Mr. Ward moved that the House do now adjourn to meet again on Monday, January 12, at one o'clock P. M.

Said motion was agreed to.

And then the House adjourned.

JANUARY 12, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend C. W. Grant of the First Methodist Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

C. W. Anderson, Jr.	Pink G. Curd	William L. Jones
George P. Anderson	Dr. J. A. Duff	John S. Juett
Henry Arrowood	Forest C. Easley	W. A. Lamkin
William F. Ball	Harry W. Ennis	H. W. Linville
W. T. Beard	John D. Fields	A. L. Love
Robert E. Beatty	T. P. Fitzpatrick	William Lovett
Douglas T. Bolling	W. W. Freeman	Harry K. Lowman
H. M. Brock, Jr.	Joseph J. Grace	Hugh D. Lyon
Gus A. Brooks	Bert Hall	Cary McDevitt
Sherman E. Carter	A. G. Hamilton, Jr.	Norris McPherson
C. L. Clayton	Fuller Harding	Dr. Wm. C. Mann
T. Fowler Combs	E. R. Hilton	Ed. Marcum
Oris Cooper	Clyde S. Howard	C. C. May
M. A. Cornett	Jerry F. Howell	J. Milton Mefford
John Henry Cox	Chas. O. Humston	Sam Milam
Rev. W. W. Crouch	Joe B. Jarboe, Jr.	D. J. Moore
Guthrie F. Crowe	Crow Jarvis	J. Lee Moore

L. D. Moore	Wade H. Riley	Egbert Taylor
C. E. Montgomery	Dr. M. M. Robinson	Roy L. Taylor
F. E. Morancy	Byron H. Royster	Rev. H. Tinsley
E. R. Morlidge	Dr. K. N. Salyer	John L. Trumbo
C. Sid Nabb	Carl Scheben	Erna E. Tyra
Coy Nevitt	Leon J. Shaikun	S. J. Wagner
Robert Nicholas	Faust Y. Simpson	C. R. Walden
H. C. Patterson	Clyde Smith	Harry Walters
Paul Pelfrey	Otto Smither	H. A. Ward
B. W. Porter	Charles L. Spilman	Henry Ward
Kleber F. Price	J. Claude Stacy	H. L. Waterfield
James E. Quill	James D. Stacey	E. Reed Wilson
L. Allen Rhoads	Thomas M. Swope	Stanley S. Dickson,
Dr. J. J. Rice	C. W. Taylor	Speaker

Mr. Scheben moved that the reading of the Journal of Thursday's proceedings be dispensed with.

Said motion was agreed to

Mr. Ward moved that when the House adjourn today, it adjourn out of respect to the late Honorable Joe E. Robinson of Garrard County.

Said motion was agreed to.

Mr. Ward moved that the Speaker appoint a Committee of this House to draw up suitable resolutions on the death of The Honorbale Joe E. Robinson, Floor Leader of this House.

Said motion was agreed to.

Thereupon the Speaker named the following as members constituting said Committee:

Henry Ward, Chairman	Harry Lee Waterfield
T. Fowler Combs	Harry Walters

Dr. M. M. Robinson
Kleber Price
Dr. J. J. Rice
Charles Montgomery
Cass Walden
George P. Anderson
Clyde Smith

Mr. Wagner moved that the privilege of the floor be extended to The Honorable John M. Hunnicutt, former member of this House.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, viz.:

By Mr. Walters.

H. B. 19. An Act relating to cooperative marketing associations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 883f-10 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, being Section 10 of Chapter 1 of the Acts of the General Assembly of 1922, be, and the same hereby is, amended and re-enacted so that said section as amended and re-enacted shall read as follows:

"By-laws.—Each association must, within thirty (30) days after its incorporation, adopt for its government and management a code of by-laws not inconsistent with the powers granted by this Act. A majority vote of the members or stockholders, or their written assent, is necessary to adopt such by-laws. Each association, under its by-laws, may provide for any or all of the following matters:

(a) The time, place and manner of calling and conducting its meetings.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or both; and the conditions, manner, form, and effects of such votes.

(d) The number of directors constituting a quorum.

(e) The qualifications, compensation and duties and term of office of directors and officers; time of their election and the mode and manner of giving notice thereof.

(f) Penalties for violations of the by-laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfer of the interest of members and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or stockholder, or upon the expulsion of a member or forfeiture of his membership, or, at the option of

the association, the purchase at a price fixed by conclusive appraisal by the board of directors. In case of the withdrawal or expulsion of a member, the board of directors shall equitably and conclusively appraise his property interests in the association and shall fix the amount thereof in money which shall be paid to him within one year after such expulsion or withdrawal.

Such by-laws may be amended, changed, or altered at any time thereafter by the affirmative vote of a majority of the entire number of directors of the association at any directors' meeting duly called and held."

Section 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, Section 1 of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 272.150, and shall thereafter be treated as an amendment to KRS 272.150 rather than an amendment to Section 883f-10 of Carroll's Kentucky Statutes.

By Mr. Freeman.

H. B. 20. An Act relating to pauper idiots.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ Section 216aa-57, of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

ALLOWANCE FOR PAUPER IDIOT

(1) A person having the care, custody or charge of an idiot may, by filing with the Department of Finance a certified copy of the inquest and the order of the court adjudging an idiot to be a pauper, have an allowance to a pauper idiot of not more than one hundred dollars per annum to be paid as follows:

(a) Three-fourths of the allowance shall be certified by the court holding the inquest to the Department of Finance for payment out of the State Treasury;

(b) One-fourth of the allowance shall be allowed and certified for payment by the court holding the inquest to the fiscal court of the county in which the inquest is held.

(2) If the idiot dies or ceases to be a pauper, a proportionate part of the allowance from the anniversary date of the allowance to the day of his death or his ceasing to be a pauper, may be paid.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 203.250, and thereafter be treated as an amendment to KRS 203.250 rather than an amendment to § 216aa-57.

By Mr. Scheben.

H. B. 21. An Act relating to the embezzlement, conversion, misappropriation or misapplication of the sinking fund in cities of the second class; providing penalties and fixing civil liability therefor, and providing for the recovery of any and all amounts embezzled, converted, misappropriated or misapplied.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any officer, agent, or employe having charge, control or possession of the sinking fund or any portion thereof, or any of its property, money or evidences of property, of any city of the second class, who shall willfully embezzle, convert, misappropriate or misapply, or who, as a member of the General Council or Board of Commissioners, shall vote to so embezzle, convert, misappropriate or misapply such sinking

fund, or any portion thereof, or any officer, agent or employe who could by a refusal to act have prevented said embezzlement, conversion, misappropriation or misapplication, whether said embezzlement, conversion, misappropriation or misapplication be for the purpose of paying, securing or liquidating commitments or debts of said municipality or otherwise, shall be confined in the penitentiary for not less than (1) nor more than twenty (20) years, and such officers, agents, or employes so offending, and their sureties, shall jointly and severally be and they are hereby made personally liable for the amount of such embezzlement, conversion, misappropriation or misapplication. It shall be the duty of the City Solicitor or other legal officer of the municipality to institute and prosecute to recovery, such civil actions, and if he fails to do so for six (6) months after he shall have knowledge of the same, any resident and taxpayer may institute the action or actions in his own name, and shall have one-half of the recovery. A civil recovery hereunder shall not militate against the criminal prosecution.

By Mr. Scheben.

H. B. 22. An Act repealing Chapter 13 of the Acts of the 1940 Regular Session of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 13 of the Acts of the General Assembly of 1940 is hereby repealed in its entirety.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 47.030, 241.060(8), 243.490(1)(c), 243.710 and 244.380 to 244.470, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Scheben.

H. B. 23. An Act conferring on the counties of the Commonwealth of Kentucky the power to adopt ordinances and resolutions providing for the zoning and regulation of the location, height, bulk and use of buildings and other structures, and of the uses of land, and the requirement of building permits in the portions of counties lying outside of cities; providing for the creation, organization, powers, and duties of county zoning commissions and boards of adjustment; imposing duties on State officials, departments, and agencies; and prescribing penalties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Ordinances and Resolutions.* The fiscal courts of the several counties of the Commonwealth of Kentucky may adopt resolutions and ordinances prescribing the manner in which the powers of the county conferred by this Act shall be carried out. All such ordinances, unless otherwise provided by law, shall be published at least once in one newspaper of general circulation in the county. Such ordinance shall not become effective until ten days after the publication aforesaid. In any case in which maps, plans or drawings of any kind are adopted as part of an ordinance, the fiscal court may, instead of publishing the same as part of the ordinance, refer in publishing the ordinance to the place where such maps, plans or drawings are on file and may be examined.

The fiscal court may also prescribe fines and penalties, not exceeding three hundred dollars ($300.00) in any instance, for the violation of county ordinances adopted pursuant to this Act, which fines and penalties may be collected by suit brought in the name of the county before any justice of the peace or any county court in like manner as debts of like amount may be sued for by existing laws.

§ 2. *Grant of Power.* The fiscal court of any county is hereby empowered, in accordance with the conditions and procedure specified in the subsequent sections of this Act, by ordinance, to regulate in any portion or portions of such county which lie outside of cities, the location, height, bulk, and size of buildings and other structures, the percentage of lot which may be occupied, the size of yards, courts, and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes, and the uses of land for trade, industry, residence, recreation, forestry or other purposes.

§ 3. *Zoning Commission.* In order to avail itself of the powers conferred by this Act, the fiscal court shall appoint a permanent commission of three, five or seven members, which shall be known as the county zoning commission.

Any individual, whether in private or ex-officio capacity, may be appointed to serve on such commission, and the majority of the members thereof shall be individuals who do not hold elective public office. The fiscal courts of two or more counties may arrange or provide for a joint or common commission, and, for the purposes of this Act, any such joint or common zoning commission shall be deemed the zoning commission of each of such counties. The fiscal court shall provide for reimbursement of the members of the zoning commission for actual expenses incurred, and shall provide for the filling of vacancies in the membership of such commission, and for the removal of a member for nonperformance of duty or misconduct.

§ 4. *Assistance from State Agencies; Personnel.* The zoning commission is directed to make use of the expert advice and information which may be furnished by appropriate State and Federal officials, departments, and agencies, and all State officials, departments, and agencies having information, maps, and data pertinent to county zoning are hereby authorized and directed to make the same available for the use of

the county zoning commission, as well as to furnish such other technical assistance and advice as they may have available for such purpose. The zoning commission may employ such trained personnel as the funds therefor may permit.

§ 5. *Preparation of Zoning Plan.* It shall be the duty of the zoning commission of any county to make, for certification to the fiscal court of such county, a zoning plan or plans, including both the full text of the zoning ordinance or ordinances and the maps and representing the recommendations of the commission for the regulation by districts or zones of the location, height, bulk, and size of buildings and other structures, percentage of lot which may be occupied, the size of lots, courts, and other open spaces, the density and distribution of population, the location and use of buildings and structures for trade, industry, residence, recreation, public activities, or other purposes, and the uses of land for trade, industry, recreation, forestry, or other purposes.

When the efforts of such commission shall have reached the stage of a tentative plan, the commission shall hold at least one public hearing on each tentative plan to be separately submitted, notice of which hearings shall be published at least fifteen days before the date of the hearing in a newspaper of general circulation in the county. The notice shall contain the time and place of hearing, and shall specify the place and times at which the tentative text and maps of the zoning ordinance may be examined. For the purpose of its public hearing or hearings, the commission shall have power to summon witnesses, administer oaths, and compel the giving of testimony.

Before finally adopting and certifying any zoning plan, the zoning commission shall submit its tentative plan to an appropriate State agency for advice and recommendations. In the event that, after such public hearing or hearings and after such submission to the said State agency, the zoning commission, in the light of the developments at such hearing or hearings or the advices and recommendations of the said State

agency, makes changes in its said tentative plan, there shall be no requirement of any hearing upon such changes or any submission of such changes to the said State agency.

§ 6. *Zoning Ordinance.* From and after the time when a zoning commission of any county, in accordance with the procedure specified in the next preceding section of this Act, makes, adopts, and certifies to the fiscal court of its county, each zoning plan, including both the full text of a zoning ordinance and the maps, then the fiscal court may, by ordinance, exercise the powers granted to it in Section 2 of this Act, and, for the purpose of such exercise, the fiscal court may divide the territory of the county, which lies outside of municipalities which now have authority to adopt and enforce zoning ordinances, into districts or zones of such number, shape or area as it may determine, and within such districts, or any of them, may regulate the erection, construction, reconstruction, alteration, and uses of buildings and structures and the uses of land, except as to soil conservation, and may require and provide for the issuance of building permits as a condition precedent to the right to erect, construct, reconstruct, or alter any building or structure within any district covered by such zoning ordinance. All such regulations shall be uniform of each class or kinds of buildings throughout any district, but the regulations in one district may differ from those in other districts.

§ 7. *Method of Procedure.* After receiving the certification of a zone plan from the zoning commission and before the enactment of any zoning ordinance, the fiscal court shall hold a public hearing thereon, of the time and place of which at least thirty days' notice shall be given by one publication in a newspaper of general circulation in the county. Such notice shall state the place at which the text and maps as certified by the zoning commission may be examined. The court may conduct consultative hearings or referenda to aid it in determining the desirability of contemplated or recommended regulations. No change in or departure from the text or

maps, as certified by the zoning commission, shall be made unless such change or departure shall first be submitted to the zoning commission for its approval or disapproval or suggestions. The zoning commission shall have thirty days from and after such submission within which to send its report to the fiscal court: Provided, however, That no approval, disapproval or suggestions of the zoning commission shall have more than advisory effect or shall in anywise bind the fiscal court.

§ 8. *Purposes and Zoning Regulations.* Such regulations shall be designated and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the Commonwealth of Kentucky, including, amongst other things, the lessening of congestion in the streets or roads or reducing the waste of excessive amounts of roads, securing safety from fire and other dangers, providing adequate light and air, preventing on the one hand excessive and wasteful scattering of population or settlement and on the other hand excessive concentration of population, promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, food supply, protection of the tax base, securing economy in governmental expenditures, fostering the Commonwealth's agricultural and other industries, and the protection of both urban and nonurban development.

§ 9. *Amendments.* The fiscal court may, from time to time, amend the number, shape, boundary or area of any district or districts, or any regulation of, or within, such district or districts, or any other provision of any zoning ordinance, but no such amendment shall be made or become effective until the same shall have been proposed by or be first submitted for approval, disapproval or suggestions to the zoning commission and the appropriate State agency. Any proposal, ap-

proval, disapproval or suggestions of the zoning commission or the said State agency shall have advisory effect only and not be binding upon the fiscal court, and, unless such zoning commission or said State agency shall have transmitted its report upon the proposed amendment within thirty days after the submission thereof to it, the fiscal court shall be free to proceed to the adoption of the amendment without further awaiting the receipt of the report of the zoning commission or said State agency. Before finally adopting any such amendment, the fiscal court shall hold a public hearing thereon, at least thirty days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation in the county.

§ 10. *Cooperation Between Counties.* The zoning commission of any county may cooperate with the zoning commissions of other counties and with the planning, zoning, legislative, and administrative authorities of cities, either within or without such county, with a view to co-ordinating and integrating the zoning of the county with the planning and zoning of other counties or of municipalities. The zoning commission shall also have power to appoint such committee or committees, and adopt such rules for the conduct of its business, as it may deem proper to effect such cooperation or to more expeditiously and effectively perform its functions.

§ 11. *The Board of Adjustment.* The fiscal court of any county which enacts zoning regulations under the authority of this Act shall provide for a board of adjustment of three to five members and for the manner of the appointment of such members. Not more than half of the members of such board may at any time be members of the zoning commission. The fiscal court shall fix per diem compensation and terms for the members of such board of adjustment, which terms shall be of such length and so arranged that the term of at least one member will expire each year. Any member of the board of adjustment may be removed for cause by the fiscal court upon written charges and after a public hearing.

Vacancies shall be filled for the unexpired term in the same manner as in the case of original appointments. The fiscal court may appoint associate members of such board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the board or any other cause, his place may be taken during such temporary disability by an associate member designated for the purpose. The fiscal courts of two or more counties may arrange and provide for a joint or common board of adjustment of four or five members, which joint or common board of adjustment shall be deemed the board of adjustment of each of such counties.

The fiscal court shall provide and specify in its zoning or other ordinances general rules to govern the organization, procedure, and jurisdiction of said board of adjustment, which rules shall not be inconsistent with the provisions of this Act, and the board of adjustment may adopt supplemental rules of procedure not inconsistent with this Act or such general rules.

Any zoning ordinance of the fiscal court may provide that the board of adjustment may in appropriate cases and subject to appropriate principles, standards, rules, conditions, and safeguards set forth in the zoning ordinance, make special exceptions to the terms of the zoning regulations in harmony with their general purpose and intent. The fiscal court may also authorize the board of adjustment to interpret the zoning maps and pass upon disputed questions of lot lines or district boundary lines or similar questions, as they may arise in the administration of the zoning regulations.

Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member

upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

§ 12. *Appeals to the Board of Adjustment.* Appeals to the board of adjustment may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of the zoning ordinance. Appeals to the board of adjustment may be taken by any officer, department, board or bureau of the county affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made in the course of the administration or enforcement of the provisions of the zoning ordinance. The time within which such appeal must be made and the form or other procedure relating thereto shall be as specified in the general rules provided by the fiscal court to govern the procedure of such board of adjustment or in the supplemental rules of procedure adopted by such board.

Upon appeals the board of adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning ordinance.

(2) To hear and decide, in accordance with the provisions of any such ordinance, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.

(3) Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the regulation, or by reason of exceptional

topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation enacted under this Act would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, to authorize, upon an appeal relating to said property, a variance from such strict application so as to relieve such difficulties, or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plans and zoning ordinances.

The concurring vote of four members of the board in the case of a five-member board, and of three members in the case of a three-member board, shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or agency or to decide in favor of the appellant.

§ 13. *Court Review.* Any persons jointly or severally aggrieved by any decision of the board of adjustment or any taxpayer or any officer, department, board or bureau of the county may present to any court within the county in which the property concerning which decision was made is located, a petition duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such a petition shall be presented to the court within thirty days after the filing of the decision in the office of the board. Upon the presentation of such petition, the court may allow a writ of certiorari, directed to the board of adjustment, to review such decision of the board of adjustment, and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than ten days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, upon application, on notice to the board and on due cause shown, grant a restraining order. The board of

adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof, or of such portions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified. If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the board, unless it shall appear to the court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from.

All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.

§ 14. *Violations; Enforcement and Remedies.* It shall be unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any regulation in, or of any provision of, any zoning ordinance, or any amendment thereof, enacted or adopted by any fiscal court under the authority of this Act. Any person violating any such regulation, provision or amendment, or any provision of this Act, shall be fined not more than one hundred dollars ($100.00), or imprisoned not more than ten days, or both. Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues shall be deemed a separate offense. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used, in violation of this Act, or

of any regulation or provision of any ordinance, or amendment thereof, enacted or adopted by any fiscal court under the authority granted in this Act, such court, the county attorney of the county or any owner of real estate within the district in which such building, structure or land is situated, may, in addition to other remedies provided by law, institute injunction, mandamus, abatement, or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

§ 15. *Nonconforming Uses.* The lawful use of a building or structure, or the lawful use of any land, as existing and lawful at the time of the enactment of a zoning ordinnace, or in the case of an amendment of an ordinance, then at the time of such amendment, may, except as hereinafter provided, be continued although such use does not conform with the provisions of such ordinance or amendment, and such use may be extended throughout the same building, provided no structural alteration of such building is proposed or made for the purpose of such extension. The fiscal court may provide in any zoning ordinance for the restoration, reconstruction, extension or substitution of nonconforming uses upon such terms and conditions as may be set forth in the zoning ordinance. The fiscal court may in any zoning ordinance provide for the termination of nonconforming uses, either by specifying the period or periods in which nonconforming uses shall be required to cease, or by providing a formula or formulae whereby the compulsory termination of a nonconforming use may be so fixed as to allow for the recovery or amortization of the investment in the nonconformance.

If any county acquires title to any property by reason of tax delinquency and such property is not redeemed as provided by law, the future use of such property shall be in conformity with the then provisions of the zoning ordinance of the county, or with any amendment of such ordinance,

equally applicable to other like properties within the district in which the property acquired by the county is located.

§ 16. *List of Nonconforming Uses.* Immediately after the adoption of any zoning ordinance or amendment by the fiscal court, the county zoning commission shall prepare and publish a list of all nonconforming uses and occupations existing at the time of the adoption of such ordinance or amendment. Such list shall contain the names and addresses of the owner or owners of such nonconforming use and of any occupant, other than the owner, the legal description or descriptions of the land, and the nature and extent of land use. After any necessary corrections have been made under a procedure prescribed by the fiscal court, copies of such list shall, when approved by such body, be filed for record in the office of the county court clerk in the county in which the lands are situated, and shall be corrected yearly as the fiscal court may prescribe.

§ 17. *Filing.* Upon the adoption of any zoning ordinance or regulation, map or maps, the fiscal court may file the originals with the county court clerk, who shall keep them accessible to the public. The county court clerk shall index such ordinances and regulations as nearly as possible in the same manner as he indexes instruments pertaining to the title of land.

§ 18. *Finances.* The fiscal court is empowered to appropriate out of the general county fund such moneys, otherwise unappropriated, as it may deem fit to finance the work of the county zoning commission and of the board of adjustment, and to enforce the zoning regulations and restrictions which are adopted, and to accept grants of money and service for these purposes, and other purposes, in accordance with this Act, from either private or public sources, State or Federal.

§ 19. *Conflict with Other Laws.* Whenever any regulations made under authority of this Act require a greater width or size of yards, courts or other open spaces, or require

a lower height of buildings or smaller number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in or under any other statute, the provisions or the regulations made under the authority of this Act shall govern. Whenever the provisions of any other statute require a greater width or size of yards, courts or other open spaces, or require a greater percentage of lot to be left unoccupied or impose other higher standards than are required by any regulations made under authority of this Act the provisions of such statute shall govern.

§ 20. *Act Not to Apply to Certain Buildings of Public Utility Corporations.* This Act shall not apply to any existing or proposed building or extension thereof used or to be used by public utility corporations, if, upon petition of the corporations, the Kentucky Public Service Commission shall, after a public hearing, decide that the present or proposed situation of the building in question is reasonably necessary for the convenience or welfare of the public.

§ 21. *Definitions.* The words "amend," "amendment," "amendments," or "amended," in this Act shall be deemed to include any modification of the text or phraseology of any provision of any zoning ordinance, or amendment thereof, or any repeal or elimination of any such provision or part thereof, or any addition to the ordinance, or to an amendment thereof, and shall also be deemed to include any change in the number, shape, boundary or area of any district or districts, any repeal or abolition of any map forming part of, or referred to, in any zoning ordinance or any part of such map, any addition to such map, any new map or maps, or any other change in the maps or any map.

By Mr. Scheben.

H. B. 24. An Act to enable the several cities and counties of the Commonwealth of Kentucky to enter into inter-

city or inter-county compacts for the purposes of establishing single purchasing units and setting up the merit system in such cities and counties. Providing for the appointment of an inter-city or inter-county Comptroller and the selection of an inter-city or inter-county Commission to direct the policies of the said cities or counties entering into such compacts.

Said bill is as follows, viz.:

WHEREAS the operation of local governments are becoming increasingly more difficult due to the mounting cost of supplies, and whereas more rigid economy must be effected by the various local units of government in order that our citizens may the better assist in our program of National Defense, and whereas a great saving may be affected by mass purchasing of supplies and the induction of the merit system for personnel in the said local units of government, therefore—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1.

Two or more cities, or two or more counties, or counties and cities together within the Commonwealth of Kentucky, in order to promote greater economy, may enter into an inter-city or inter-county compact for the purposes of establishing a single purchasing unit and the merit system.

SECTION 2.

All of the expenses incurred due to the operation of said inter-city or inter-county compact shall be borne by the several cities or counties who have entered into such a compact, and each city or county shall bear its share of such expense in proportion to its population in relationship to the other cities or counties who have entered into said

compact. Such an inter-city or inter-county compact unit shall make its own rules and regulations subject to the limitations of the existing statutes and further provisions of this Act.

SECTION 3.

As soon as practicable, after this Act shall have become law, the Department of Finance shall designate some person or persons duly qualified to draft a booklet setting forth the advantages of the merit system and the single purchasing unit, comparing the old system prior to 1936 with the new system set forth in the Kentucky Governmental Reorganization Act and the benefits that would accrue to any group of cities or counties complying with the provisions of this Act. These booklets shall be sent to every governmental unit within the Commonwealth of Kentucky, and the cost of preparing this booklet shall be paid from the appropriations to the Divisions of Publicity in the Department of Conservation.

SECTION 4.

Whenever a group of cities or counties have conducted preliminary meetings or discussions and have tentatively agreed to enter into a compact for the purposes of establishing the merit system and single purchasing unit, the group may notify the Commissioner of Finance, who shall refer such group to a contract agent who shall assist in the effecting of a permanent organization of such an inter-city or inter-county compact. After such an organization has been set up, the said inter-city or inter-county group may reimburse the Commonwealth of Kentucky for whatever assistance and services it may have rendered the group, if the Commissioner of Finance deems it necessary to render a bill for such services to any inter-city or inter-county group.

SECTION 5.

A. Each city or county shall designate some person who is a member of either the Fiscal Court of the County, Council or Commission of the city to represent such city or

county in all of the business transactions by the inter-city or inter-county commission according to the provisions of this Act. Such a representative or commissioner shall receive no compensation except in those cases where traveling expense is involved.

B. Each commissioner shall have one vote, except in the case of a tie vote, at which time the Chairman shall cast two votes. The Commission shall determine the policies of the inter-city or inter-county compact in accordance with the provisions of this Act.

C. The commission shall appoint a Comptroller who shall be a certified public accountant or its equivalent, as may be determined by the examiner of his qualifications. He shall also have had some experience in a purchasing division of a city, county, or large private enterprise. This rule shall be adhered to except in those cases where a person with such qualifications cannot be secured, in which case the comptroller who shall be appointed shall serve temporarily unless he agrees to qualify himself to hold the position permanently.

SECTION 6.

A. The comptroller shall assume full charge of the procurement of supplies and may set up a merit system for personnel, except in those cases where cities or counties have already adopted the merit system.

B. The comptroller may engage the services of the Davision of Personnel of the Department of Finance to conduct tests and render any assistance the comptroller may require in the setting up of the merit system, for which services payment may be made upon demand of the Commonwealth of Kentucky.

SECTION 7.

The inter-city or inter-county commission shall hold regular meetings, and keep records of proceedings and make periodic reports to each city and county of the inter-city or inter-county compact.

SECTION 8.

A. The comptroller shall have access to all records, of cities or counties who have contracted to enter into this compact, that relate to personnel and the procurement of supplies. In no case shall the comptroller exercise authority over persons who have been appointed by elective officials whose terms have not expired at the time of the institution of the provisions of this Act, and at the expiration of the term of such official, the appointee may be retained if he qualifies by passing the prescribed merit test.

B. The comptroller shall purchase all supplies for the commission, except those things that may be classified as emergencies as determined by the commission. The comptroller shall, after consultation with the Division of Purchases of the Department of Finance, or any other purchasing consultant, set up standards for the type of equipment to be ordered by him. Before purchasing any materials other than emergencies, competitive bids shall be required and the lowest bidder with approved quality goods shall receive the order.

C. At certain stated times, the various cities or counties of the said inter city or inter-county compact shall file their requisitions for needed supplies. The comptroller, after examining the budget of such a city or county and determining the need for such materials, may approve or veto such a requisition. If he approves the order of the city or county, the process of purchasing may proceed and the respective city or county be charged with the account. If the requisition is vetoed, the commission may set aside the veto only by unanimous vote.

D. The comptroller shall serve under contract for a period of not less than two years and if it is desired to remove the comptroller during any fiscal year, that may only be done for cause and by a majority vote of the city or county administrative officials who are parties to the contract.

SECTION 9.

This Act shall not apply to the Legal Departments, Courts, or Boards of Education, or their personnel, of any city or county that may enter into such a compact.

By Mr. Scheben.

H. B. 25. An Act relating to the police and firemen's pension fund of cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 3142b-3 of Carroll's Kentucky Statutes, Baldwin's 1936 edition, is amended to read as follows:

There shall be organized in connection with said Police and Fire departments a board to be known as the Board of Trustees of the Police and Firemen's Pension Fund, which shall be composed of the Mayor of the City, two members, of the Fire Department, and two members of the Police Department. The board shall elect from their number a president and secretary. The city treasurer shall be ex officio treasurer of said board and shall be custodian of its funds, but shall not have a vote as a member. In the month of December each year the police and fire departments shall each elect by ballot from among their number two members of said board, who shall serve for one year, beginning on January 1 of the year for which each was elected, and until their respective successors are elected and qualified. Members may be reelected to the board.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

In cities of the second class the board of trustees of the policemen's and firemen's pension fund shall be composed of the mayor, two members of the police department and two members of the fire department. In December each year the police and fire departments shall each elect by ballot from among their number two members of the board, who shall serve for one year, beginning on January 1 of the year for which each was elected, and until their successors are elected and have qualified. Members may be reelected to the board. The board shall elect from their number a president and secretary.

The provision so substituted by this section shall thereafter be treated as an amendment to subsection (1) of KRS 95.530 rather than an amendment to § 3142b-3 of Carroll's Statutes, and KRS 95.520 and 95.590 shall remain in full force and effect and shall not be treated as affected by this Act.

By Mr. Crouch.

H. B. 26. An Act relating to Old Age Assistance.

Said bill is as follows, viz.:

WHEREAS, the national emergency which now exists has caused, and is causing, a steady increase in the cost of food, shelter, clothing, medical care, and all other necessities of life, and

WHEREAS, private aid and assistance to the aged is becoming increasingly more difficult to render by their relatives through the demands made upon them by national defense and military service, and

WHEREAS, the Old Age Assistance now being granted by the State is in practically all instances, wholly inadequate to provide a decent standard of existence, or even the bare necessities of life, for the aged needy. Now, therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 3 of Chapter 159 of the Acts of 1940 is amended to read as follows:

AMOUNT OF OLD AGE ASSISTANCE TO BE GRANTED

The amount of Old Age Assistance which shall be granted to, or for, any needy aged shall be determined with due regard to the personal resources and personal requirements of the individual and the conditions existing in each case shall be sufficient, when added to all other personal income and self-support available to the needy aged, to provide the needy aged with a reasonable subsistence compatible with health and decency. Such old age assistance shall not exceed thirty dollars for any month, nor shall it be less than ten dollars for any month. The personal income of any relative, or relatives, shall not be taken into consideration when determining the amount of assistance to be granted to, or for, any needy aged person. Any aged person without personal income, and whose taxable property has an assessed value of less than one thousand dollars, is hereby declared eligible to receive Old Age Assistance.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 205.030, and thereafter be treated as an amendment to KRS 205.030 rather than an amendment to 1940, c. 159, § 3.

By Mr. Walters.

H. B. 27. An Act relating to State warrants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Sections 4688a-2, 4688a-3 and 4688a-6 of Carroll's Kentucky Statutes, 1936 edition, are consolidated into one section and amended to read as follows:

Whenever any warrant issued by the Department of Finance is presented to the Treasurer for payment, and the funds appropriated for the purpose for which the warrant was issued are exhausted, the Treasurer shall make the warrant interest-bearing as of the date it was presented for payment. The Treasurer, with the written approval of the Governor and the Commissioner of Finance, shall fix the interest at the lowest rate possible, taking into consideration the current money market, but the rate of interest shall not exceed five percent. The Treasurer may contract with any purchaser or holder of such warrant to accept interest at a lower rate than that received by other holders. Interest-bearing warrants shall draw interest from the date they were presented for payment until they become due and payable or are called for payment.

Sec. 2. Section 4688a-4 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

The State Treasurer shall have the right to call interest-bearing warrants for payment at any time he has sufficient funds on hand to pay said warrants before they become due and payable. The call of the Treasurer shall be published by him for ten consecutive days in a daily newspaper published in this state, and no warrant so called in shall bear interest after the expiration of the publication. The Treasurer may pay warrants due according to the date of issue, if presented without awaiting such publication.

Sec. 3. The State Treasurer, with the written approval of the Governor and the Commissioner of Finance, may issue original interest-bearing warrants in anticipation of state revenues for the current fiscal year, and may use the proceeds of such warrants to meet current expenses of the state as they accrue, or to pay off and discharge interest-bearing warrants becoming due before sufficient revenues have accrued for that purpose during the fiscal year. The total face amount of interest-bearing warrants issued in any fiscal year when added to all other warrants issued during any fiscal year, in

the aggregate amount of all such warrants, shall not exceed ninety per cent of the total amount of the budget funds provided for the operation of the state government for the current fiscal year. Any interest-bearing warrants issued in violation of this section shall be illegal, null and void. The Governor and Commissioner of Finance in giving their written approval to the issue of interest-bearing warrants shall take into consideration estimated current revenues, and, if it appears that there is going to be a failure of revenues, shall not approve the issuing of any interest-bearing warrants that would bring about an over-draft.

Sec. 4. The State Treasurer shall fix the due date of each original interest-bearing warrant, with the written approval of the Governor and Commissioner of Finance, from his knowledge of when current revenues for the fiscal year will accrue for its payment, or, if the warrant is to be paid from other funds, from his knowledge of when those funds will be received by the state.

Sec. 5. The State Treasurer with the written approval of the Governor and Commissioner of Finance, shall provide the forms of all interest-bearing warrants issued under the provisions of this Act.

Sec. 6. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, sections one and two of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted, respectively, in place of KRS 41.180 and 41.190, and shall thereafter be treated as amendments to KRS 41.180 and 41.190 rather than amendments to §§ 4688a-2, 4688a-3, 4688a-4 and 4688a-6 of Carroll's Statutes.

By Mr. Morancy.

H. B. 28. An Act relating to the keeping of a record of livestock and wool transactions, and the submission of said record, and providing penalties for violation thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every person, firm, corporation or partnership having an established place of business where livestock or wool is received for the purpose of being dealt in, bought or sold, or offered for sale, shall keep a record, in duplicate, of all receipts of livestock or wool which is dealt in, bought or sold, or offered for sale, which record shall contain the following information:

(1) Name and address of the owner of the livestock or wool;

(2) Name and operator's license number of the person delivering such livestock or wool;

(3) The date, the number, kind, breed and quantity of such livestock or wool;

(4) The license number of the motor vehicle delivering same.

This record shall be subject to inspection by all police or peace officers and all highway patrolmen for a period of six (6) months from the date of such record. Upon the demand of the sheriff of any county, or a chief of police of any municipality, any person, firm, corporation or partnership of that county required to make and keep the above described record shall present in person, or transmit by mail at the expense of the requesting authority, for his inspection, such records or duplicate copies thereof.

§ 2. Any person required to give the above information at a place of business where livestock or wool is received for the purpose of being dealt in, bought or sold, or offered for sale, as provided in § 1 hereof, who, for the purpose of defrauding the owner of such livestock or wool, gives false or fraudulent information relative to the ownership of such livestock or wool, shall be fined not less than Ten ($10.00) Dollars, nor more than Five Hundred ($500.00) Dollars.

Any person, firm, corporation or partnership who refuses or fails to keep a record as provided in § 1 hereof, or wilfully keeps a false record, or fails to present same upon demand of the county sheriff or chief of police, shall be fined not less than Ten ($10.00) Dollars, nor more than Five Hundred ($500.00) Dollars.

By Mr. Humston.

H. B. 29. An Act to provide free textbooks for children in correctional institutions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Superintendent of Public Instruction, subject to the approval of the State Board of Education, shall purchase textbooks from the publishers whose books have been adopted by the State Textbook Commission and have them sent without cost to all children between the ages of six and eighteen who are confined in any correctional institution in this state in which teaching instruction is available.

§ 2. Purchases of books shall be upon requisitions made by the persons in charge of the correctional institution who shall distribute and control such books.

§ 3. The Superintendent of Public Instruction may have an investigation made, at any time, to determine the need for the number and kinds of books requisitioned and to determine if the books are being properly taken care of. If he finds anything that is improper about the requisitioning and use of such books he shall report it to the Governor.

§ 4. The books purchased pursuant to this Act shall be paid for out of the appropriations for the purchase of free textbooks for pupils attending free public schools.

By Mr. Humston.

H. B. 30. An Act relating to the theft of motor vehicle tires and providing a penalty upon conviction.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section One: That any person who shall steal a motor vehicle tire of any value shall be guilty of a felony and upon conviction shall be punished by confinement in the penitentiary not less than one nor more than five years.

By Mr. Wagner.

H. B. 31. An Act to amend Sec. 42224a-10, Kentucky Statutes, Baldwin's 1041 Supplement, by repealing subsections 3 and 6 of said section of the statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That § 4224a-10 Carroll's Kentucky Statutes, Baldwin's 1941 Supplement, be amended by striking therefrom subsections (3) and (6) thereof, so that when amended said statute will read as follows:

§ 4224a-10. Licenses.—No person shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in this Act until such person shall have paid to the clerk of the county wherein such person is engaged in such occupation or in selling such articles or in exercising such privilege the license tax herein presecribed and obtained the license therefor.

Provided, however, that this section shall not be construed to impose a tax on any county, state, or community fair association or corporation or similar enterprise, or upon the agent or concessionaire of any such association, or corporation operating within the grounds or rooms devoted to a

festival or fair of any such association, or corporation which shall engage in any of the occupations or sell any of the articles or exercise any of the privileges named in this Act for a period of not exceeding one (1) week in any calendar year without profit to the members, stockholders of, or other person connected with any such association or corporation. It is further provided that this exemption shall not be deemed or construed to permit such association, corporation or similar enterprise to possess cigarettes in packages, boxes or retail containers upon which the tax provided in § 4281e-2 Carroll's Kentucky Statutes, Baldwin's 1936 Revision, has not been paid.

Subsection (1). Cigarettes.—For the privilege of possessing in this State cigarettes upon which the Kentucky Cigarette Tax has not been paid and the Kentucky tax stamps not affixed to the package, box, or container, as required by § 4281e-1 through § 4281e-16, Carroll's Kentucky Statutes, Baldwin's 1936 Revision, or for the privilege of selling in this state to another person for resale in this Commonwealth cigarettes upon which the Kentucky cigarette tax referred to above has been paid, there is hereby imposed a license fee of Twenty-five ($25.00) Dollars per annum. The word "possessing" as used herein shall not include the transportation of cigarettes in interstate commerce nor shall it include any temporary holding in good faith by a transportation agency prior to shipping out of the state or prior to delivery to consignee or his agent but it shall include among other things possession for purposes of sale, gift or use within the state after the interstate journey is ended.

It is hereby declared to be the legislative intent that any person or transient who engages in any of the businesses or exercises any of the privileges mentioned in this subsection from a wagon, push cart, motor vehicles, truck, or other similar contrivance in which the articles named in such subsection are transported from place to place and sold therefrom shall procure a license from the clerk in each county where

the business is to be conducted or the privilege exercised for each and every wagon, push cart, motor vehicle, truck, or other similar contrivance so used in each county of this Commonwealth wherein the person is engaged in the business mentioned or the privilege exercised. It is further provided that notwithstanding the provisions of section (8) of this Act the license shall indicate an apt description of the wagon, push cart, motor vehicle, truck or other similar contrivance from which such business is to be conducted or such privilege exercised. Whenever any person to whom the licenses referred to in this subsection has been granted and who has paid the required license tax thereon shall change the wagon, push cart, motor vehicle, truck, or other similar contrivance for which such license was originally granted, the clerk may amend such license in accordance with regulations of the Department so as to permit the continued operation of the business. For such amendment, the clerk shall receive a fee of Twenty-five Cents (25c) from the licensee.

Subsection (2). Restaurants.—For each restaurant serving meals, Ten ($10.00) Dollars per annum. The word "restaurant" shall be construed to mean and include all places or establishments wherein hot food and/or hot drink is served to the general public.

Subsection (3). Theaters.—For each theater or public exhibition or performance, Twenty Cents (20c) per seat per annum, the minimum charge under this Act to be Ten ($10.00) per annum. A theater within the meaning of this Act shall be construed to be any building wherein public exhibitions or performances, including moving pictures, are given, and at which a charge is exacted from those attending same. This paragraph shall not apply to chautauquas, to fairs, or to buildings owned and operated by religious, education or charitable organizations in which public exhibitions or performances are given by such organizations, but shall apply if at any time non-religious, non-educational or non-charitable organizations or persons use the same.

Subsection (4). Billiard or pool tables or bowling alleys.—For each billiard or pool table or bowling alley, irrespective of size, where a fee is charged and collected, directly or indirectly, Thirty ($30.00) Dollars per annum for the first table or alley and Five ($5.00) Dollars per annum for each additional table or alley.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing ....., regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Howard.

H. B. 32. An Act relating to the fiscal year of counties, amending Section 907a of Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 907a of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

§ 1. The fiscal year of each county, except for road purposes, shall begin on July 1 of each year and end on June 30 next following. The fiscal year of each county for road purposes shall begin on April 1 of each calendar year and end on March 31 next following. All reports required by law or otherwise made, and all budgets, appropriations and tax levies by any county shall be made with reference to specific fiscal years or parts thereof.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 68.060, and there-

after be treated as an amendment to KRS 68.060 rather than an amendment to § 907a of Carroll's Statutes.

By Mr. Howard.

H. B. 33. An Act to amend the Constitution of the Commonwealth of Kentucky relating to annual elections and meetings of the General Assembly.

Said bill is as follows, viz.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Constitution of the Commonwealth of Kentucky is amended by adding thereto the following section:

All officers elected from the state at large and the railroad commissioners elected in nineteen hundred and forty-three shall hold office for three years only. Their successors shall be elected in nineteen hundred and forty-six and every four years thereafter.

All persons elected to the State Senate in nineteen hundred and forty-three and in nineteen hundred and forty-five shall hold office for three years only. Their successors shall be elected in nineteen hundred and forty-six and in nineteen hundred and forty-eight respectively and every four years thereafter.

All persons elected to the State House of Representatives in nineteen hundred and forty-five shall hold office for one year only. Their successors shall be elected in nineteen hundred and forty-six and every two years thereafter.

All officers, except circuit court clerks, elected in each county or justice's district in nineteen hundred and forty-five shall hold office for three years only. Their successors shall be elected in nineteen hundred and forty-eight and every four years thereafter.

Judges of the circuit courts, Commonwealth's attorneys and clerks of the circuit courts elected in nineteen hundred

and forty-five shall hold office for five years only. Their successors shall be elected in nineteen hundred and fifty and every six years thereafter.

All city officers elected for a term of four years in nineteen hundred and forty-five shall hold office for three years only. Their successors shall be elected in nineteen hundred and forty-eight and every four years thereafter. All city officers elected for a term of two years in nineteen hundred and forty-five shall hold office for one year only. Their successors shall be elected in nineteen hundred and forty-six and every two years thereafter.

The General Assembly shall continue to meet at the time heretofore provided until nineteen hundred and forty-seven. The General Assembly shall meet on the first Tuesday after the first Monday in January, nineteen hundred and forty-seven and on the same day every second year thereafter.

§ 2. This amendment shall be submitted to the voters at the time and in the manner provided for under sections 256 and 257 of the Constitution of the Commonwealth of Kentucky and Section 1459 of Carroll's Kentucky Statutes, 1936 edition.

By Mr. Howard.

H. B. 34. An Act to require non-resident operators of motor vehicles in this Commonwealth to pay the state gasoline tax on gasoline used in this state in excess of the amount contained in the standard gasoline tank of the vehicle.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION ONE: A new section of the statutes is created to be numbered section 4281g-2a and to read as follows:

(1) Every nonresident of this state who operates a motor vehicle within this state shall pay an excise tax at the

same rate imposed on gasoline received in this Commonwealth on all gasoline used in the operation of a motor vehicle in this state in excess of the amount of gasoline contained in the standard manufacturer's gasoline tank for the vehicle.

(2) The presence in a motor vehicle operated by a nonresident in this state of gasoline container or tank other than the standard manufacturer's tank for the vehicle shall be prima facie evidence that the amount of gasoline capable of being contained therein was used in this state without paying the state tax thereon. The burden of proof is upon the operator of the vehicle to prove that the amount of gasoline capable of being contained in said tank, or a portion thereof, was not used in this state.

(3) Unless the operator of the vehicle produces a bill of sale from a gasoline dealer or retailer doing business in this state showing on its face the amount of gasoline purchased, date and the place of business of the dealer or retailer it shall be conclusively presumed that the gasoline contained in said tank was not purchased in this state and that the state gasoline tax was not paid.

(4) It shall be the duty of the state highway patrolmen and of all peace officers to enforce the provisions of this Act, and they may detain the motor vehicle until the tax is paid.

(5) The tax imposed by this section may be paid to and shall be collected by the sheriff or his deputies. Any state highway patrolman or peace officer other than a sheriff or his deputies shall upon apprehending any person violating this Act take him before the sheriff or his authorized deputies and cause the tax to be paid to the sheriff or deputies. Upon payment of the tax the person operating the vehicle shall be issued a receipt which shall be evidence that he has complied with this section.

(6) The sheriff shall be liable upon his official revenue bond for all sums collected under this section, and he shall promptly pay into the State Treasury all sums collected under this section. The tax collected under this section shall be

credited to the Road Fund for the construction, reconstruction, maintenance and repair of roads and highways.

(7) Any person who operates a motor vehicle in this state without paying the tax imposed by this section shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

By Mr. Howard.

H. B. 35. An Act regulating the relation between owners and operators of motor vehicles and certain passengers therein.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any person who becomes a passenger in any motor vehicle without paying compensation for his or her transportation thereby covenants and agrees to and with the owner and operator that he or she shall not sue said owner and operator, or either of them, for any injuries or damages sustained in any accident involving said motor vehicle, unless said passenger when entering said vehicle shall inform the operator thereof that said passenger does not so covenant or agree with said owner and operator.

The Speaker announced the personnel of the Standing Committees of the House, as follows, viz:

STANDING COMMITTEES
HOUSE OF REPRESENTATIVES

AGRICULTURE No. 1.

Harry F. Walters, Chairman

H. C. Patterson	Robert E. Beatty
B. W. Porter	William T. Beard
Otto Smither	John S. Juett
Charles O. Humston	Clyde Smith

AGRICULTURE No. 1-A

Forrest C. Easley, Chairman

W. L. Jones	Wade H. Riley
J. J. Grace	R. L. Nicholas
John H. Cox	Hugh D. Lyon
Gus A. Brooks	H. W. Linville

ALCOHOLIC AND LIQUOR CONTROL No. 1

J. J. Grace, Chairman

Thos. P. Fitzpatrick	Ray C. Stephenson
Leon J. Shaikun	Henry Ward
S. J. Wagner	C. W. Taylor
F. E. Morancy	Clyde Smith

ALCOHOLIC AND LIQUOR CONTROL No. 1-A

Cary B. McDevitt, Chairman

R. E. Barry	Hugh D. Lyon
Carl Scheben	C. C. May
James D. Stacey	Robert Nicholas
Dr. Wm. C. Mann	Joe B. Jarboe, Jr.

APPROPRIATIONS No. 1

J. Lee Moore, Chairman

Joe E. Robinson	Faust Y. Simpson
Henry Ward	Pink G. Curd
Clyde Smith	Kleber Price
George P. Anderson	Cass R. Walden

APPROPRIATIONS No. 1-A

Charles O. Humston, Chairman

Norris McPherson	C. L. Clayton
R. E. Barry	T. Fowler Combs
Erna E. Tyra	Dr. K. N. Sayler
H. M. Brock, Jr.	Leon J. Shaikun

Banks and Banking

S. J. Wagner, Chairman

Harry F. Walters	A. L. Love
Ray Stephenson	Milton Mefford
Bert P. Hall	H. C. Patterson
E. Reed Wilson	L. Allen Rhoads

Bond Issues

Thomas M. Swope, Chairman

C. L. Clayton	Crow Jarvis
T. Fowler Combs	William L. Jones
Bert P. Hall	Harry K. Lowman
Joe B. Jarboe, Jr.	Howard McCartney

Charitable and Penal Institutions

Sam Milam, Chairman

Byron H. Royster	S. J. Wagner
Clyde S. Howard	Bert P. Hall
J. M. Mefford	Jerry F. Howell
Hugh D. Lyon	Dr. J. A. Duff

Circuit Courts

J. M. Mefford, Chairman

Charles E. Montgomery	Sam Milam
J. Wood Vance	James E. Quill
Fuller Harding	Allen Rhoades
Leon Shaikum	C. W. Taylor

Cities of the First Class

Leon J. Shaikun, Chairman

R. C. Stephenson	Robert E. Barry
Norris McPherson	Charles L. Spilman
C. W. Anderson, Jr.	Cary B. McDevitt

CITIES OF THE SECOND CLASS

D. Reed Wilson, Chairman

Carl Scheben	Henry Ward
S. J. Wagner	Robert E. Beatty
Thos. P. Fitzpatrick	E. R. Morlidge
Harry K. Lowman	James E. Quill

CITIES OF THIRD CLASS

Harry W. Ennis, Chairman

Douglas T. Bolling	Gus A. Brooks
L. Allen Rhoads	J. Milton Mefford
William F. Ball	Clyde Smith
T. Fowler Combs	Wade H. Riley

CITIES OF FOURTH CLASS

Rell Bevins, Chairman

Charles O. Humston	Joe B. Jarboe, Jr.
Wayne W. Freeman	Hiram M. Brock, Jr.
John Henry Cox	Thomas M. Swope
Dr. J. J. Rice	Decoursey Moore

CITIES OF FIFTH CLASS

Byron H. Royster, Chairman

Roy L. Taylor	Coy Nevitt
Rev. Herbert Tinsley	J. A. Cornett
C. E. Montgomery	John S. Juett
L. D. Moore	C. L. Clayton

CITIES OF SIXTH CLASS

Kleber F. Price, Chairman

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Crow Jarvis	C. W. Taylor
A. L. Love	C. C. May
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Cass R. Walden, Chairman

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Crow Jarvis	J. Lee Moore
C. L. Spilman	C. Sid Nabb
Dr. J. J. Rice	E. R. Morlidge

Claims

Norris McPherson, Chairman

Harry K. Lowman	Kleber F. Price
Bert P. Hall	James E. Quill
Fuller Harding	Dr. M. M. Robinson
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Classification, Cities and Towns

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Joe Higgins	C. C. May
Oris Cooper	L. D. Moore
M. A. Cornett	Roy Nevitt
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Ray C. Stephenson, Chairman

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J. Wood Vance	Fuller Harding
Sam Milam	Howard McCartney
James E. Quill	C. W. Taylor

Compensation for Industrial Injuries

William Lovett, Chairman

John Henry Cox	Cary B. McDevitt
Jerry F. Howell	E. R. Morlidge
Ed. Marcum	Byron H. Royster
W. H. Hunt	Dr. K. N. Salyer

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Thomas M. Swope	Cary B. McDevitt
John L. Trumbo	L. D. Moore
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John Henry Cox	Decoursey Moore
Joe Higgins	C. Sid Nabb
Dr. W. C. Mann	Coy Nevitt

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Harry F. Walters	Douglas T. Bolling
T. Herbert Tinsley	Kleber F. Price
Claude Stacy	Joe E. Robinson

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Harry Lee Waterfield	John S. Juett
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Oris Cooper	C. L. Clayton

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T. Fowler Combs	Thomas P. Fitzpatrick

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Kleber F. Price	Cass R. Walden

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Guthrie F. Crowe	Harry Waterfield
S. J. Wagner	Sam Milam

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Harry W. Ennis	Clyde S. Howard
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Charles L. Spilman, Chairman

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Henry Arrowood	W. F. Ball
Egbert Taylor	Sherman E. Carter
Harry L. Waterfield	J. Milton Mefford

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Howard McCartney
Sherman E. Carter
Pink G. Curd
Charles O. Humston
A. L. Love
Harry K. Lowman
Dr. M. M. Robinson

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Crow Jarvis, Chairman

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Wade H. Riley
L. Allen Rhoads
Wayne Freeman
William L. Jones
B. W. Porter
Gus A. Brooks
Clyde S. Howard

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Henry Arrowood
W. A. Lamkin
William Lovett
Dr. J. A. Duff
Hugh D. Lyon
George P. Anderson
Decoursey J. Moore

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Pink G. Curd
H. C. Patterson
H. A. Ward
Dr. Wm. C. Mann
Joe B. Jarboe, Jr.
Robert Nicholas
E. R. Morlidge

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Henry Ward
Douglass T. Bolling
Cass R. Walden
A. L. Love
Robert E. Beatty
E. R. Morlidge
L. Allen Rhoads
H. M. Brock, Jr.

PUBLICITY AND TOURIST ATTRACTIONS

John S. Juett, Chairman

George P. Anderson	Clyde Smith
Thomas M. Swope	Byron H. Royster
E. R. Hilton	Erna E. Tyra
S. J. Wagner	C. Sid Nabb

RAILROADS

E. R. Hilton, Chairman

Charles L. Spilman	Sam Milam
F. E. Morancy	Dr. M. M. Robinson
E. V. Taylor	Guthrie F. Crowe
E. Reed Wilson	Cass R. Walden

REDISTRICTING, CONGRESSIONAL

Hyland W. Linville, Chairman

Rell Bevins	Leon J. Shaikun
Pink G. Curd	Carl Scheben
Harry Walters	E. Reed Wilson
Faust Y. Simpson	Clyde Smith

REDISTRICTING JUDICIAL

J. Claude Stacy, Chairman

Wm. L. Jones	James E. Quill
Wade H. Riley	Otto Smither
Cary B. McDevitt	Jerry F. Howell
Clyde Howard	W. F. Ball

RETRENCHMENT AND REFORM

Joe Higgins, Chairman

C. W. Anderson, Jr.	Bert P. Hall
M. A. Cornett	Robert Nicholas
Dr. J. A. Duff	H. C. Patterson
J. Claude Stacy	Dr. K. N. Salyer

REVENUE AND TAXATION No. 1

Joe E. Robinson, Chairman

Henry Ward, Vice-Chairman	Guthrie F. Crowe
Harry Walters	J. J. Grace
J. Claude Stacy	R. L. Nicholas
Douglass T. Bolling	Rell Bevins

REVENUE AND TAXATION No. 1-A

Clyde S. Howard, Chairman

W. W. Crouch	C. W. Taylor
Dr. J. J. Rice	John L. Trumbo
Carl Scheben	J. Milton Mefford
Otto Smither	Hugh D. Lyon

ROADS AND HIGHWAYS No. 1

Rev. T. Herbert Tinsley, Chairman

Pink G. Curd	Robert E. Beatty
J. Lee Moore	J. Claude Stacy
Norris McPherson	Rell Bevins
Harry Walters	Clyde Smith

ROADS AND HIGHWAYS No. 1-A

F. E. Morancy, Chairman

A. L. Love	S. J. Wagner
W. T. Beard	Howard McCartney
Robert E. Barry	Henry Arrowood
Clyde S. Howard	George P. Anderson

RULES OF HOUSE

E. R. Morlidge, Chairman

Henry Ward	John Juett
Faust Y. Simpson	W. T. Beard
Harry Walters	Cass R. Walden
Clyde Smith	George P. Anderson

Social Security

C. Sid Nabb, Chairman

Carl Scheben	Rell Bevins
C. W. Anderson, Jr.	Gus A. Brooks
Robert E. Beatty	C. L. Clayton
T. Fowler Combs	John Henry Cox

State Affairs

Hugh D. Lyon, Chairman

W. W. Crouch	Joe Higgins
Forest Easley	Jerry F. Howell
Bert P. Hall	Charles O. Humston
Joe B. Jarboe, Jr.	Crow Jarvis

State Fair

H. C. Patterson, Chairman

Clyde S. Howard	Harry Walters
E. Reed Wilson	Otto Smither
Roy L. Taylor	J. Claude Stacy
Wm. L. Jones	B. W. Porter

State Parks

E. E. Tyra, Chairman

W. F. Ball	C. Sid Nabb
Harry L. Waterfield	H. W. Linville
George P. Anderson	Cass Walden
Sherman E. Carter	James D. Stacey

State Properties

George P. Anderson, Chairman

C. W. Anderson, Jr.	Byron H. Royster
E. R. Hilton	James D. Stacey
Dr. K. N. Salyer	E. V. Taylor
H. A. Ward	Paul Pelfrey

STATE UNIVERSITY

Robert E. Beatty, Chairman

W. A. Lamkin
H. M. Brock, Jr.
Guthrie F. Crowe
James E. Quill
Joseph J. Grace
Fuller Harding
L. Allen Rhoads
E. Reed Wilson

SUFFRAGE AND ELECTIONS

Otto Smither, Chairman

E. R. Hilton
Clyde Howard
C. W. Anderson, Jr.
Sherman E. Carter
Howard McCartney
Cary B. McDevitt
Norris McPherson
Ed. Marcum

TEACHERS COLLEGES

Pink G. Curd, Chairman

Wayne Freeman
W. W. Crouch
W. A. Lamkin
C. L. Clayton
Dr. M. M. Robinson
Harry W. Ennis
W. T. Beard
Paul Pelfrey

TRADE AND COMMERCE

Decoursey J. Moore, Chairman

Reed Wilson
T. Herbert Tinsley
Dr. M. M. Robinson
F. E. Morancy
Fuller Harding
Douglas T. Bolling
Howard McCartney
Faust Y. Simpson

VETERAN'S LEGISLATION

Roy L. Taylor, Chairman

C. S. Spilman
H. A. Ward
T. Herbert Tinsley
Douglas T. Bolling
Egbert Taylor
Sherman E. Carter
William Lovett
J. Lee Moore
C. Sid Nabb

WAYS AND MEANS

Rev. W. W. Crouch, Chairman

Oris Cooper	Dr. W. C. Mann
W. A. Cornett	L. D. Moore
Dr. J. A. Duff	J. Wood Vance
A. G. Hamilton	C. C. May

The Speaker announced that he had referred bills and resolutions previously introduced, as follows, viz.:

H. B. 2. To Committee on Education No. 1

H. B. 3. To Committee on Revenue and Taxation No. 1

H. B. 4. To Committee on Kentucky Statutes No. 1

H. B. 5. To Committee on Kentucky Statutes No. 1

H. B. 6. To Committee on Constitutional Amendments

H. B. 7. To Committee on Kentucky Statutes No. 1

H. B. 8. To Committee on Kentucky Statutes No. 1

H. B. 9. To Committee on Kentucky tSatutes No. 1

H. B. 11. To Committee on Motor Transportation

H. B. 12. To Committee on Revenue and Taxation No. 1

H. B. 13. To Committee on Kentucky Statutes No. 1

H. B. 14. To Committee on Constitutional Amendments

H. B. 15. To Committee on Agriculture No. 1

H. B. 16. To Committee on Agriculture No. 1

H. B. 17. To Committee on Kentucky Statutes No. 1

H. B. 18. To Committee on Compensation for Industrial Injuries

H. Res. 4. To Committee on Appropriations No. 1

Mr. Ward moved that the House do now recess until two o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of two o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Ward moved that the session of today be extended indefinitely.

Said motion was agreed to.

Mr. Henry Ward of the Committee on Kentucky Statutes No. 1 to which the same had been referred, reported bills of the following titles, viz.:

H. B. 4. An Act relating to the Legislative Council.

Without an expression of opinion.

H. B. 5. An Act providing for special police during the National Emergency.

H. B. 7. An Act relating to obligations of Rural Electric cooperative corporations.

H. B. 8. An Act relating to the periods within which civil actions shall be commenced.

Without expression of opinion.

With the expression of opinion that said bills ought to pass with the exception of those specifically set out above.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, to-wit: a bill entitled:

H. B. No. 1. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky, including each of the various officers, departments, boards, commissions, institutions, and sub-divisions of the State Government, and the purchase of record books as provided by Section 388, Kentucky Statutes, 1936 Edition, judiciary and court costs, Confederate pensions, the Frankfort Cemetery, Jefferson and Kenton County fees, and for defraying the expenses of all other State obligations for (a) the fiscal years ending June 30, 1943, and June 30, 1944, (b) the fiscal years of the Department of Highways ending March 31, 1943, and March 31, 1944; designating the sources and funds from which said appropriations are made, and providing for the establishment of certain revolving funds specifically mentioned; providing for money refunds; authorizing and empowering the Commissioner of Finance with the approval of the Governor to limit, restrict, and supervise expenditures of all money appropriated herein and hereafter by the General Assembly in the Regular Session of 1942, and to reduce or adjust each of the appropriations in the manner herein provided; providing for certain appropriations to be limited to specific purposes, and barring the use of appropriations for certain purposes; repealing all blanket and

continuing appropriations not provided for in this Act and appropriations made by any previous Act or Acts of the General Assembly of the Commonwealth of Kentucky, and repealing all laws or parts of laws in conflict with any of the provisions of this Act; enacting each section and each subsection as a separate or specific appropriation.

The House took up for consideration said bill.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1942, and ending June 30, 1943, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, printing of County Record Books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson and Kenton County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of the Reorganization Act of the 1936 General Assembly, and the Budget and Financial Administration Act of 1934 General Assembly, for which the specific appropriation is herein listed, excepting those listed in Parts Two and Three of this Budget Act, for the following purposes:

FISCAL YEAR 1942–1943

PART ONE

1. LEGISLATIVE

(a) *Legislative Sesssions.* For ordinary recurring expenses of operation $10,000.00

(b) *Legislative Council.* For ordinary recurring expenses of operation $2,000.00

(c) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency $250.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation $500.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation $36,000.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation $17,500.00

(c) *Judicial Council.* For ordinary recurring expenses of operation $800.00

(d) *Clerk's Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund, Commissions on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerk's Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund, and Commissions on Fines and Forfeitures $1,424,000.00

(e) *Salaries—Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation .. $300,000.00

(f) *Return of Escaped Convicts.* For ordinary recurring expenses of operation in paying for return of escaped convicts authorized by the Governor which have not been previously paid $6,000.00

(g) *Rewards.* For paying of rewards authorized by the Governor of the Commonwealth $300.00

(h) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law $130,000.00

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation $20,750.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation $4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation $6,000.00

(d) *Emergency Funds.*

(d) 1. General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor of the Commonwealth, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said funds $250,000.00

(d) 2. Special Emergency Fund. For extraordinary expenses which constitute special emergencies and/or for relief or for indigent persons in the Commonwealth not otherwise provided for by any other agency of the State; said fund to be administered and expended by the Governor either directly or by transfer in the manner prescribed by the Budget and Financial Administration Act and in this section for other expenditures $200,000.00

(d) 3. National and Civil Defense Emergency Fund. For meeting extraordinary expenses which may be imposed upon the Commonwealth of Kentucky to meet the emergency created by the state of war existing between the United States and other countries. (No part of this sum shall be expended for the expenses of local civil defense boards or commissions, except under regulations prescribed by the State Civil Defense Commission.) $500,000.00

(d) 4. It being impossible for the Legislature to anticipate the necessity for expending all the money set aside for each separate emergency fund, it is the intention of the Legislature and it does hereby vest the Governor of the Common-

wealth with the power to transfer any of the money provided in the three above emergency funds from one emergency fund to another, and the same may be expended for the recurring and extraordinary expenses provided for in the fund to which said sum may be transferred.

(e) For the purposes of repair, reconstruction and construction of buildings, and for the purposes of purchasing lands, buildings and appurtenances, and for the purpose of equipping and supplying the penal institutions, the mental hospitals, the feeble-minded institute, the school for the deaf, the state schools under the direct supervision of the State Board of Education, and Hazelwood Tuberculosis Hospital, there is hereby appropriated a portion of the unencumbered cash balance in the General Expenditure Fund at the close of the fiscal year ending June 30, 1942. This sum or amount shall equal the difference between the unencumbered cash balance at said date in the Treasury to the credit of the General Expenditure Fund and the amount which shall be determined necessary as operating capital within this Fund preliminary to meeting the budgetary requirements for the 1942-1943 fiscal year. The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the Treasurer, shall determine the necessary amount of operating capital as defined above and shall make direct approval of all expenditures from this appropriation. In no event shall the sum expended for these purposes exceed the total of the unencumbered cash balance in the General Expenditure Fund at the close of business June 30, 1942, nor shall the sum expended exceed Three Million ($3,000,000.00) Dollars.

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation $21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation $1,500.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation $40,000.00

(b) *Cost of Suits.* For extraordinary expenses of operation and paying Clerks, Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligation in prosecuting in the interest of the State, as required by law, and subject to approval of the Department of Finance $4,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission, when approved by the Commissioner of Finance $44,710.00

7. DEPARTMENT OF TREASURY

(a) *State Treasurer.* For ordinary recurring expenses of operation $34,300.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and Recipients of Public Assistance as administered by the Welfare Department. The costs shall be borne by the respective departments.)

(b) *Custodian of Securities.* For ordinary recurring expenses of operation $600.00

8. AUDITOR OF PUBLIC ACCOUNTS

(a) *Auditor of Public Accounts.* For ordinary recurring expenses of auditing for the benefit of the State including all State Agencies and County Officials receiving or disbursing public monies belonging to the state $37,500.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of

Finance including the administration of Confederate Pensions, and administration of Public Printing..... $164,950.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation $163,290.00

(c) *Legal Services.* For ordinary recurring expenses of operation as may be provided by law..... $6,800.00

(d) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units $16,000.00

(e) *Public Record Books (Paper and Printing).* For ordinary recurring expenses necessary in the purchase and replacement of public record books during the fiscal year as provided in Section 388, Kentucky Statutes $21,500.00

(f) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required by the State-wide Registration Act of 1936, Regular Session $500.00

(g) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law $10,000.00

(h) *Paper (Revolving Fund).* To be used for the purchase of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units $20,000.00

(i) *Postage (Revolving Fund).* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units $10,000.00

(j) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter $150,000.00

(k) *Interest on Warrants.* For ordinary recurring

expenses of interest due on outstanding interest-bearing warrants against the Commonwealth $10,000.00

(l) *New Lands and Buildings.* For extraordinary recurring expenses and capital outlay, and for ordinary recurring expenses in the restoration, repairing, replacement, equipment, maintenance, and improvements of State property $250,000.00

10. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of the various Divisions of the Department of Revenue, including the Division of Alcoholic Control and Escheats $400,000.00

11. DEPARTMENT OF REVENUE
MISCELLANEOUS REVENUE AGENCIES

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation $331,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation $27,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation $500.00

(b) *Board of Registration and Purgation.* For ordinary recurring expenses of operation $1,000.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation $6,500.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation $40,000.00

(b-1) (Of this amount $10,000 shall be earmarked to be expended exclusively in the operation of the Old Kentucky

Home Park. Said Home to retain investments now existing for use and benefit of Old Kentucky Home.)

(c) *Kentucky Natural Bridge Park. Capital Outlay.* For the reconstruction of the dam $20,000.00

(d) *Cumberland Gap National Park. Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service, and the States of Virginia and Tennessee in the establishment of a Cumberland Gap National Park $75,000.00

(e) *Division of Forestry.* For ordinary recurring expenses of operation $20,000.00

(f) *Division of Publicity.* For ordinary recurring expenses of operation $20,000.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation $30,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation $18,000.00

(c) *Division of Armories.* For ordinary recurring expenses of operation $42,000.00

(d) *State Aviation Board.* For ordinary recurring expenses of operation $7,500.00

(e) *Kentucky Active Militia.* For ordinary recurring expenses of operation $20,000.00

(f) *Civil Defense.* For ordinary recurring expenses of operation $10,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Bureau of Agriculture.* For ordinary recurring expenses of operation $40,500.00

(It is the intention of the Legislature that this appropriation of $40,500.00 shall be applicable to general administrative expenses, required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second

and third quarters of the fiscal year, "Division of Markets," and "Weights and Measures.")

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation and extraordinary expenses designated by law $21,600.00

(It is the intention of the Legislature that this appropriation of $21,600.00 shall be applicable to the "Per Diems and Expenses of Board Members" and to expenses of the "Live Stock Sanitation Division.")

(c) *Bang's Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation $22,500.00

(It is the intention of the Legislature that no part of this money is to be transferred for the purpose of paying administrative expenses of either the Bureau of Agriculture budget unit or the State Board of Agriculture budget unit.)

(d) *Boys' and Girls' Club Work.* For paying premiums for Boys' and Girls' Club Work and Bourbon Stock Yard Junior Club and for the promotion and encouragement of 4-H Club Work, for Kentucky products paid to Kentuckians $5,000.00

(e) *State Fair Board.* For ordinary recurring expenses of operation $59,250.00

(Of this amount each item shall not exceed the amount specified below:)

(e-1) For per Diem and Expenses of Board Members $1,250.00

(e-2) Premiums for State Fair $45,000.00

(e-3) Retiring a part of the M. & M. Building bonded indebtedness maturing November 1, 1942 ..... $13,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation $8,000.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health—General.* For ordinary recurring expenses of operation including laboratory services $175,000.00

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation $2,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including Visiting Nurse services $311,500.00

(d) *Department of Health—Capital Outlay.* To be expended only for matching Federal Funds in the enlargement and improvement of the main Administration Building, Department of Health, Louisville, Ky. $20,000.00

(e) *Hazelwood Sanatorium.* For ordinary recurring expenses of operation $88,000.00

(f) *Interest on Bonds.* For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements $9,600.00

(g) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation $100,000.00

(h) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in Section 2061-a-28, Kentucky Statutes $10,000.00

(i) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation $7,500.00

(j) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation $5,000.00

17. DEPARTMENT OF WELFARE

(a) *Commissioner of Welfare.* For ordinary recurring expenses of operation of the charitable and penal institutions, Kentucky Children's Home, administration and supervision of enrollees from the various counties to the C. C. C. camps sponsored by the Federal Government, and the administration of the Department of Welfare, including probation and parole $2,740,000.00

(b) *Division of Public Assistance.* For ordinary expenses of operation and cooperation with the federal government under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year

accounts necessary to comply with the federal regulations, and for the administration of Old Age Assistance, Chapter 94, 1936 Regular Session, or said act as amended, including the cost of printing checks for recipients of Public Assistance program. Also, for administration of the Child Welfare program and for the administration of the existing statutes pertaining to "Aid to Dependent Children" and to "Aid to the Blind" provided these two statutes are held valid by the Court of Appeals $4,250,000.00

(c) *Home for Incurables.* For ordinary recurring expenses of operation $15,000.00

(d) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation under the supervision of the Department of Welfare $4,000.00

(e) *U. S. Commodity Distribution.* For expense of operation $65,000.00

(f) *Conveyance of Lunatics.* For ordinary recurring expenses of operation $9,000.00

(g) *Pauper Idiots.* For ordinary recurring expenses of operation $80,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation $60,000.00

(b) *Division of Certification.* For ordinary recurring expenses of operation $15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation $15,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation $500.00

(e) *Common School Per Capita Fund.* For the payment of teachers' salaries and other expenses incidental to the operation and maintenance of the public schools of the State $9,861,062.37

(e-1) (Of this amount $400,000.00 shall be earmarked

as an Equalization Fund to be expended as may be provided by law.)

(f) For interest on State School Bonds, as provided by the Constitution for the support of Common Schools, which shall be used to supplement the appropriation for Common School Per Capita $138,937.63

(g) *Free Textbooks.* For the purchase of textbooks as provided for in Chapter 48, Acts 1928 ..... $500,000.00

(h) *War Orphans Scholarship Fund.* For the purpose of carrying out the provisions of Sections 4376b-11 and 4527-31, Kentucky Statutes $1,000.00

(i) *Vocational Education.* For ordinary recurring expenses of operation under the provisions of existing laws $44,182.56

(j) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry or otherwise $40,000.00

(k) *Kentucky State College for Negroes.* For ordinary recurring expenses of operation $130,000.00

(l) *West Kentucky Vocational Training School.* For ordinary recurring expenses of operation for Negroes $40,000.00

(m) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition of Negro students required to go out of the State to obtain higher educational training $10,000.00

(n) *Kentucky School for the Blind—White.* For ordinary recurring expenses of operation $69,000.00

(o) *Kentucky School for the Blind—Colored.* For ordinary recurring expenses of operation $8,000.00

(p) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation $14,800.00

(q) *Kentucky School for the Deaf—White.* For ordinary recurring expenses of operation $129,500.00

(r) *Kentucky School for the Deaf—Colored.* For ordinary recurring expenses of operation $9,000.00

(s) *Mayo Vocational Training School.* For ordinary recurring expenses of operation for white people.. $35,000.00

(t) *Teachers Retirement Fund.* For administering and complying with the obligations of the State under the Teacher Retirement Act, Chapter 1 of the Acts of the General Assembly of 1938, First Special Session, or said Act as amended or superseded, an amount equal to the total money paid into the State Treasury during the fiscal year beginning July 1, 1942, and ending June 30, 1943, by teachers participating under the provisions of said Act, but not to exceed $650,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation $933,000.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation $24,000.00

(c) *Summer School Session.* For ordinary recurring expenses of operation $10,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation $30,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary expenses of administration $1,500.00

(f) *For Extraordinary Expenses.* $60,000.00

(f-1) (Of this amount each item shall not exceed the amounts specified below):

Library Equipment	$10,000.00
Scientific Laboratory Equipment	$20,000.00
Engineering Equipment	$20,000.00
Home Economics Equipment	$10,000.00

(g) *Capital Outlay.* $200,000.00

(h) *Experiment Station.* For ordinary recurring expenses of operation $50,000.00

(i) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products $7,500.00

(j) *Research in Coal.* $7,500.00

(k) *Service Laboratories.* For ordinary recurring expenses of operation $21,000.00

(l) *Nursery Inspection.* For ordinary recurring expenses of operation $2,000.00

(m) *Princeton Sub-Station.* For ordinary recurring expenses of operation $16,000.00

(n) *Quicksand Sub-Station.* For ordinary recurring expenses of operation $16,000.00

(o) *Agricultural Extension Work.* For ordinary recurring expenses of operation $155,000.00

(p) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in Chapter 30, Acts of the General Assembly, first special session, 1938 ..... $10,000.00

20. STATE TEACHERS' COLLEGES

(a) *Eastern Kentucky State Teachers College.* For ordinary recurring expenses of operation $280,000.00

(b) *Morehead State Teachers College.* For ordinary resurring expenses of operation $234,000.00

(c) *Murray State Teachers College.* For ordinary recurring expenses of operation $254,000.00

(d) *Western Kentucky State Teachers College.* For ordinary recurring expenses of operation $365,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Library.* For ordinary recurring expenses of operation $9,800.00

(b) *Law Library—Books.* For ordinary recurring expenses of operation as provided for under Section 2448, Kentucky Statutes $3,500.00

(c) *Library Sales Account—Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals, as provided by law.. $25,000.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operations $500.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation $15,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation $8,715.00

22. DEPARTMENT OF BUSINESS REGULATIONS

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation $6,500.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation $45,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation $45,000.00

(d) *Division of Securities.* For ordinary recurring expenses of operation $7,500.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation $9,000.00

(b) *Division of Wage Hours for Women and Minors.* For ordinary recurring expenses of operation including labor and statistics generally and inspection services .. $35,000.00

(c) *Kentucky State Employment Service.* For ordinary recurring expenses of operation $64,345.00

(It is the intention of the Legislature that this appropriation be expended only and when this agency might be returned from the Federal Government to its former State status. No part of this $64,345.00 is to be transferred to any other agency, budget unit, or budget class.)

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation $40,000.00

(b) *Division of Geology.* For ordinary recurring expenses of operation $14,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation $20,000.00

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

(a) *Overton Appropriation.* $600.00

(b) *Money Refunded.* For refunding money paid to the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance $125,000.00

(c) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State.. $2,500.00

(d) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General..... $50,000.00

(e) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. and M. Bonds as provided by Section 4591a, Kentucky Statutes $9,900.00

(f) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same..... $250.00

(g) *Statutes and Codes for Courts.* For paying for replacements and purchase of statutes and codes for the

Courts as provided in Section 2432, Kentucky Statutes $3,000.00

(h) *Interest on Non-Resident Tax Deposits* $125.00

(i) *Jefferson County Fees.* For paying various officials of Jefferson County the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance $450,000.00

(j) *Kenton County Fees.* For paying various officials of Kenton County the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by Law and approved by the Commissioner of Finance $85,000.00

PART TWO

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or subdivisions of the state Government for the fiscal year ending June 30, 1943, all of the fees (which include fees for board and room, athletics, student activities) and rentals, admittances, sales, licenses collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government which receipts are placed to the credit of a Revolving Fund (Minor

Fund) out of which shall be established separate Revolving Fund Accounts for the use and benefit of each separate professional Board or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. The fund accredited to each shall not exceed at any time the amount of receipts received from the separate professional board or other boards, commission, institution, agency, and/or subdivision of the State Government. Withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agencies, and/or subdivisions of the State Government may be made when and if needed for ordinary recurring expenses of operation properly approved by the Department of Finance, Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional Board, or other board, commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisitions. The total amount any agency may requisition from the Revolving Fund Account through the Department of Finance, shall not during the fiscal year ending June 30, 1943, exceed the amount placed to the credit of the Revolving Fund, out of which has been established a Revolving Fund Account for each separate agency during the fiscal year July 1, 1942, to June 30, 1943, inclusive, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceding year, on or before September 30, of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE

Process Agents. All revenue received under Section 571 of Kentucky Statutes and Chapter 41, Acts of 1940 General Assembly, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that

all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to General Expenditure Fund.

Corporations. All revenue received under Section 540 of Kentucky Statutes and Chapter 42, Acts of 1940 General Assembly, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to General Expenditure Fund.

DEPARTMENT OF TREASURY

Division of Louisville Securities Office.

AUDITOR OF PUBLIC ACCOUNTS

County Share of Cost of Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in Section 4636-1, Kentucky Statutes.

DEPARTMENT OF FINANCE

Duplicating Section.

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties from each portion of truck licenses as is now provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Federal Government or any Federal Agency, as a reimbursement on any New Land and Building or Improvement Program which may be made applicable for use for said purposes or any of them.

DEPARTMENT OF REVENUE

Operator's Licenses. There shall be credited to this fund such receipts as are specifically provided for under Section 2739M-34, Kentucky Statutes.

Back Tax Section. (Delinquent Taxes.) There shall be credited to this Revolving Fund such fees and revenues as provided for by Section 4257a-5, Kentucky Statutes.

Fair Trade Act—Distilled Spirits. All revenue received under Section 11, Chapter 13, Acts of 1940, General Assembly.

Refunding Expense of County Bonds.

DEPARTMENT OF CONSERVATION

Division of State Parks.
Division of Forestry (Federal).
Division of Publicity.
Division of Game and Fish Commission.

MILITARY DEPARTMENT

Non-Elective Peace Officers.

COMMISSIONER OF AGRICULTURE

Dog Law Enforcement.
Inspection—Stockyard Weighmen.
Inspection—Tobacco Warehouse Weighmen.

STATE FAIR BOARD

Continuing Fund—Operation.
Construction Fund.

DEPARTMENT OF HEALTH

Department of Health—General and Federal.
Hazelwood Sanatorium.
Kentucky Crippled Children's Commission.

DEPARTMENT OF WELFARE

Divisions of Hospitals and Mental Hygiene.
Division of Corrections.
Division of Child Welfare.
Division of Public Assistance.
Metal Stamping Plant.
Welfare Construction Fund.
Children's Home Society—White.
Surplus Commodity Distribution.

DEPARTMENT OF EDUCATION

General Education Board.
Jeannes Fund.
Any Other Private or Federal Funds that may become available for use in connection with the Department.
George-Deen Fund (Federal).
Smith-Hughes Fund (Federal).
Defense Workers (Federal).
Out of School Youth Defense Training (Federal).
N. Y. A. Education (Federal).
National Defense Equipment (Federal).
Vocational Rehabilitation (Federal).
Vocational Rehabilitation (Private).
Kentucky State College for Negroes (Including Federal).
West Kentucky Vocational Training School.
Mayo Vocational Training School.
State Board of Education—Investment Fund.
Kentucky School for the Deaf.
Workshop for the Adult Blind.
Lincoln Institute.

UNIVERSITY OF KENTUCKY
STATE TEACHERS COLLEGES

Eastern Kentucky State Teachers College.
Morehead State Teachers College.

Murray State Teachers College.
Western Kentucky State Teachers College.

DEPARTMENT OF LIBRARY AND ARCHIVES

Kentucky Historical Society.
Stephenson Fund.
Library Extension Division.
State Board of Certification of Librarians.

DEPARTMENT OF BUSINESS REGULATIONS

Division of Professional Regulations. The salary of the secretary and other recurring expenses of operation for the Division of Supervision of Professional Regulations in the Department of Business Regulations shall be paid by assessments made against the funds of the professional agencies and boards under the Department of Business Regulations. The assessments shall be determined and fixed as provided in the Reorganization Act, Section 461-120, Kentucky Statutes.

State Board of Accountancy.
State Board of Examiners and Registration of Architects.
State Board of Barber and Beautician Examiners.
State Board of Chiropractic Examiners.
State Board of Dental Examiners.
State Board of Embalmers.
State Board of Pharmacy.
State Board of Pharmacy Prophylactic Enforcement.
State Board of Examiners of Trained Nurses.
State Board of Veterinary Examiners.
State Board of Bar Examiners.
Insurance Examiners Expense.
State Board of Professional Engineers.
Division of Motor Transportation.
Kentucky State Real Estate Commission.

Division of Insurance, Fire Prevention. All fees, receipts, collections and assessments paid into the State Treasury from December 31, 1941, to and including December 31, 1942, under Section 762-b-5, Kentucky Statutes and also an amount equal to twenty-five percent (25%) of all fees and other receipts paid into the State Treasury from December 31, 1941, to and including December 31, 1942, pursuant to the provisions of Section 761, Kentucky Statutes, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section, for the fiscal year ending June 30, 1943.

Banking and Small Loans. All revenue received by the Department in excess of the General Fund Appropriation shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS

Division of Geology.

Division of Coal Mining.

All revenue received by the Division of Geology is hereby appropriated for ordinary and recurring expenses of the Division and all revenue received by the Division of Coal Mining, including fees for inspection of mines and examination of mine foremen is hereby appropriated for ordinary and recurring expenses of the Division.

PUBLIC SERVICE COMMISSION

Out of the fees collected by the Public Service Commission as provided by Chapter 145, Regular Session of the 1934 General Assembly, and Chapter 13, First Special Session, 1938, a sum of $130,000.00 for the fiscal year ending June 30, 1943, is appropriated for the payment of salaries of the commissioners, employees, counsel for commissioners, secretary, and other ordinary recurring expenses necessary to enable

the Commission to perform all of the functions and duties of the said Commission as provided by law.

KENTUCKY REAL ESTATE BOARD

DEPARTMENT OF INDUSTRIAL RELATIONS

Workmen's Compensation Board.
Division of Unemployment Compensation—Federal.
Kentucky State Employment Service.

JEFFERSON COUNTY MASTER COMMISSIONER
NOT OTHERWISE CLASSIFIED

Truck License Refunds.

PART THREE

DEPARTMENT OF HIGHWAYS

(1) *State Road Fund.* There shall be established for the purpose of paying all cost of operation and maintenance of the State Highway Department and for carrying on its activities for the fiscal year beginning April 1, 1942, and ending March 31, 1943, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds realized from the Motor Vehicle Registration Tax, the Gasoline Tax, and the Tax on Other Motor Fuels, now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of the State Road Fund during the fiscal year ending March 31, 1943, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance,

and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(2) *Divisions of Administration, Records, Equipment, Maintenance and Construction.* There is hereby appropriated out of the State Highway Road Fund for the Fiscal year ending March 31, 1943, for ordinary recurring administrative expenses of operation, including the cost of printing Treasury checks for the department, the sum of $600,000.00.

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1943, to be used by the Division of Rural Highways, for the improvement, reconstruction and maintenance of County roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be expended in accordance with Chapter 5, Acts of the General Assembly, 1936, the sum of $2,000,000.00.

(Of this amount, not more than 10 per cent may be used for administrative purposes for the Rural Highway Division in the Highway Department.)

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1943, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law, the sum of $1,000,000.00.

(It is the intention of the Legislature that $700,000.00 of this appropriation be used and expended only upon approval of the Governor as it may become necessary for the Governor to expand the Highway Patrol services.)

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax and Tax on Other Motor Fuels.* There is hereby appropriated out of the State Highway Road Fund to the Department of Revenue for the fiscal year ending June 30, 1943, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline

Tax, the laws pertaining to the Motor Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels, the sum of $130,000.00.

(The Legislature, realizing the shortage of steel for the manufacture of motor vehicle license tags, and being unable to anticipate the cost for material for future motor vehicle license identification, appropriates the above sum to be expended in the year 1942-1943 with the provision that any unexpended balance applicable to the purchase of material for future motor vehicle license identification (because of said conditions) shall not lapse but shall continue to be added to the sum appropriated in this Act for this purpose for the year 1943-1944.)

(b) *Motor Transportation.* There is hereby appropriated out of the State Highway Fund for the fiscal year ending June 30, 1943, for the use of the Department of Business Regulations, Division of Motor Transportation, for ordinary recurring expenses of operation, the sum of $60,000.00.

FISCAL YEAR 1943-1944

There is hereby appropriated out of the General Expenditure Fund for the fiscal year beginning July 1, 1943, and ending June 30, 1944, the following sums for the following officers, departments, boards, commissions, institutions, and subdivisions of the State Government, printing of County record books, Judiciary and Court Costs, Confederate Pensions, Frankfort Cemetery, Jefferson and Kenton County Fees and any and all other agencies of the State Government of the Commonwealth of Kentucky subject to the provisions of the Reorganization Act of the 1936 General Assembly, and the Budget and Financial Administration Act of 1934 General Assembly, for which the specific appropriation is herein listed, excepting those listed in parts Two-A and Three-A of this Budget Act, for the following purposes:

FISCAL YEAR 1943-1944

PART ONE-A

1. LEGISLATIVE

(a) *Legislative Sessions.* For ordinary recurring expenses of operations $170,000.00

(b) *Legislative Council.* For ordinary recurring expenses of operation $11,000.00

(c) *The Council of State Governments.* For aiding in the defraying of expenses of this Agency $250.00

2. LIEUTENANT GOVERNOR

(a) *Lieutenant Governor.* For ordinary recurring expenses of operation $500.00

3. JUDICIARY AND COURT COSTS

(a) *Court of Appeals.* For ordinary recurring expenses of operation $36,000.00

(b) *Clerk of Court of Appeals.* For ordinary recurring expenses of operation $17,500.00

(c) *Judicial Council.* For ordinary recurring expenses of operation $800.00

(d) *Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Fund, Commissions on Fines and Forfeitures.* For ordinary recurring expenses of operation of the laws applicable to Clerks' Services, Criminal Prosecutions, Jury Commissioners, Trustees of Jury Funds and Commissions on Fines and Forfeitures $1,424,000.00

(e) *Salaries—Judges and Commonwealth's Attorneys.* For ordinary recurring expenses of operation $300,000.00

(f) *Return of Escaped Convicts.* For ordinary recurring expenses of operation in paying for return of escaped convicts authorized by the Governor which have not been previously paid $6,000.00

(g) *Rewards.* For paying of rewards authorized by the Governor of the Commonwealth $300.00

(h) *County Highway Patrol.* For the purpose of paying sheriffs of the various counties for performing duties as required by law $130,000.00

4. EXECUTIVE DEPARTMENT

(a) *Governor.* For ordinary recurring expenses of operation $20,750.00

(b) *Executive Cabinet.* For ordinary recurring expenses of operation $4,000.00

(c) *Contingent Fund.* For ordinary recurring contingent expenses of operation $6,000.00

(d) *Emergency Funds.*

(d) 1. General Emergency Fund. For meeting ordinary recurring and extraordinary expenses deemed emergencies by the Governor of the Commonwealth, and to be expended by the Governor in his discretion for any emergency that he may determine requires the expenditure of any part of said fund $250,000.00

(d) 2. Special Emergency Fund. For extraordinary expenses which constitute special emergencies and/or for relief or for indigent persons in the Commonwealth not otherwise provided for by any other agency of the State; said fund to be administered and expended by the Governor either directly or by transfer in the manner prescribed by the Budget and Financial Administration Act and in this section for other expenditures $200,000.00

(d) 3. National and Civil Defense Emergency Fund. For meeting extraordinary expenses which may be imposed upon the Commonwealth of Kentucky to meet the emergency created by the state of war existing between the United States and other countries. (No part of this sum shall be expended for the expenses of local civil defense boards or commissions, except under regulations prescribed by the State Civil Defense Commission.) $500,000.00

(d) 4. It being impossible for the Legislature to anticipate the necessity for expending all of the money set aside

for each separate emergency fund, it is the intention of the Legislature and it does hereby vest the Governor of the Commonwealth with the power to transfer any of the money provided in the three above emergency funds from one emergency fund to another, and the same may be expended for the recurring and extraordinary expenses provided for in the fund to which said sum may be transferred.

(e) For the purposes of repair, reconstruction and construction of buildings, and for the purposes of purchasing lands, buildings and appurtenances, and for the purpose of equipping and supplying the penal institutions, the mental hospitals, the feeble-minded institute, the school for the deaf, the state schools under the direct supervision of the State Board of Education, and Hazelwood Tuberculosis Hospital, there is hereby appropriated a portion of the unencumbered cash balance in the General Expenditure Fund at the close of the fiscal year ending June 30, 1943. This sum or amount shall equal the difference between the unencumbered cash balance at said date in the Treasury to the credit of the General Expenditure Fund and the amount which shall be determined necessary as operating capital within this Fund preliminary to meeting the budegtary requirements for the 1943-44 fiscal year. The Governor, with the advice of the Commissioner of Finance, the Commissioner of Revenue, the Commissioner of Welfare, and the Treasurer, shall determine the necessary amount of operating capital as defined above and shall make direct approval of all expenditures from this appropriation. In no event shall the sum expended for these purposes exceed the total of the unencumbered cash balance in the General Expenditure Fund at the close of business June 30, 1943, nor shall the sum expended exceed Three Million ($3,000,000.00) Dollars.

5. SECRETARY OF STATE

(a) *Secretary of State.* For ordinary recurring expenses of operation $21,000.00

(b) *Land Office.* For ordinary recurring expenses of operation $1,500.00

6. DEPARTMENT OF LAW

(a) *Attorney General.* For ordinary recurring expenses of operation $40,000.00

(b) *Cost of Suits.* For extraordinary expenses of operation and paying Clerks, Sheriffs, Public Officials, and other necessary expenses in discharging the State's obligation in prosecuting in the interest of the State, as required by law, and subject to approval of the Department of Finance $4,000.00

(c) *Statute Revision Commission.* For ordinary recurring expenses of operation and extraordinary expenses deemed necessary by the Commission, when approved by the Commissioner of Finance $10,000.00

7. DEPARTMENT OF TREASURY

(a) *State Treasurer.* For ordinary recurring expenses of operation $34,300.00

(Of this amount, no sum shall be used for printing checks used for the State Highway Department and recipients of Public Assistance as administered by the Welfare Department. These costs shall be borne by the respective departments.)

(b) *Custodian of Securities.* For ordinary recurring expenses of operation $600.00

8. AUDITOR OF PUBLIC ACCOUNTS

(a) *Auditor of Public Accounts.* For ordinary recurring expenses of auditing for the benefit of the State including all State Agencies and County Officials receiving or disbursing public moneys belonging to the State..... $37,500.00

9. DEPARTMENT OF FINANCE

(a) *Commissioner of Finance.* For ordinary recurring expenses of the various divisions within the Department of

Finance including the administration of Confederate Pensions, and administration of Public Printing.... $164,950.00

(b) *Division of Public Properties.* For custodial care of public properties and for ordinary recurring expenses of operation $163,290.00

(c) *Legal Services.* For ordinary recurring expenses of operation as may be provided by law $6,800.00

(d) *Public Printing Costs.* For ordinary recurring expenses of paper and printing costs, not a specific charge against other budget units $16,000.00

(e) *Public Record Books (Paper and Printing).* For ordinary recurring expenses necessary in the purchase and replacement of public record books during the fiscal year as provided in Section 388, Kentucky Statutes..... $21,500.00

(f) *Registration Books and Supplies.* For ordinary recurring expenses in purchasing additional registration books and supplies as required by the State-wide Registration Act of 1936, Regular Session $500.00

(g) *Paper for Election Ballots and General Assembly.* For ordinary recurring expenses in furnishing paper for ballots for State elections and for the General Assembly, as required by law $10,000.00

(h) *Paper (Revolving Fund).* To be used for the purchase of paper to be held in stock until charges for paper used by the budget classes are made against the various budget units $20,000.00

(i) *Postage (Revolving Fund).* To be used for the purchase of postage to be held in stock until charges for postage used by the budget classes are made against the various budget units $10,000.00

(j) *Confederate Pensions.* For the payment of pensions heretofore allowed by law, or that may be allowed hereafter $150,000.00

(k) *Interest on Warrants.* For ordinary recurring expenses of interest due on outstanding interest-bearing warrants against the Commonwealth $10,000.00

(l) *New Lands and Buildings.* For extraordinary recurring expenses and capital outlay, and for ordinary recurring expenses in the restoration, repairing, replacement, equipment, maintenance, and improvements of State property $250,000.00

10. DEPARTMENT OF REVENUE

(a) *Commissioner of Revenue.* For ordinary recurring expenses of the various Divisions of the Department of Revenue, including the Division of Alcoholic Control and Escheats $400,000.00

11. DEPARTMENT OF REVENUE

MISCELLANEOUS REVENUE AGENCIES

(a) *County Tax Commissioners.* For ordinary recurring expenses of operation $341,000.00

(b) *County Boards of Supervisors.* For ordinary recurring expenses of operation $27,000.00

12. ELECTIONS

(a) *Board of Election Commissioners.* For ordinary recurring expenses of operation $500.00

(b) Board of Registration and Purgation. For ordinary recurring expenses of operation $1,000.00

13. DEPARTMENT OF CONSERVATION

(a) *Office of Commissioner.* For ordinary recurring expenses of operation $6,500.00

(b) *Division of State Parks.* For ordinary recurring expenses of operation $40,000.00

(b1) (Of this amount $10,000.00 shall be earmarked to be expended exclusively in the operation of the Old Kentucky Home Park. Said Home to retain investments now existing for use and benefit of Old Kentucky Home.)

(c) *Cumberland Gap National Park—Capital Outlay.* For the purchase of land in order to cooperate with the National Park Service and the states of Virginia and Tennessee in the establisment of a Cumberland Gap National Park $75,000.00

(d) *Division of Forestry.* For ordinary recurring expenses of operation $20,000.00

(e) *Division of Publicity.* For ordinary recurring expenses of operation $20,000.00

14. DEPARTMENT OF MILITARY AFFAIRS

(a) *Adjutant General.* For ordinary recurring expenses of operation $30,000.00

(b) *Veterans' Division.* For ordinary recurring expenses of operation $18,000.00

(c) *Division of Armories.* For ordinary recurring expenses of operation $42,000.00

(d) *State Aviation Board.* For ordinary recurring expenses of operation $7,500.00

(e) *Kentucky Active Militia.* For ordinary recurring expenses of operation $20,000.00

(f) *Civil Defense.* For ordinary recurring expenses of operation $10,000.00

15. DEPARTMENT OF AGRICULTURE

(a) *Bureau of Agriculture.* For ordinary recurring expenses of operation $40,500.00

(It is the intention of the Legislature that this appropriation of $40,500.00 shall be applicable to general administrative expenses required by law, including office expenses, "Inspection of Tobacco Warehouses" during the second and third quarters of the fiscal year, Division of Markets, and Weights and Measures.)

(b) *State Board of Agriculture.* For ordinary recurring expenses of operation $21,600.00

(It is the intention of the Legislature that this appropriation of $21,600.00 shall be applicable to the "Per Diems and Expenses of Board Members", and to expenses of the "Live Stock Sanitation Division".)

(c) *Bangs' Disease and Bovine Tuberculosis.* For ordinary recurring expenses of operation $22,500.00

(It is the intention of the Legislature that no part of this money is to be transferred for the purpose of paying administrative expenses of either the Bureau of Agriculture budget unit or the State Board of Agriculture budget unit.)

(d) *Boys' and Girls' Club Work.* Paying Premiums for Boys' and Girls' Club Work and Bourbon Stock Yard Junior Club, and for the promotion and encouragement of 4-H Club Work, for Kentucky products paid to Kentuckians $5,000.00

(e) *State Fair Board.* For ordinary recurring expenses of operation $60,250.00

(Of this amount each item shall not exceed the amount specified below:)

(e1) For Per Diem and Expenses of Board Members $1,250.00

(e2) Premiums for State Fair $45,000.00

(e3) Retiring a part of the M & M Building bonded indebtedness maturing Nov. 1, 1943 ..... $14,000.00

(f) *Soil Conservation Committee.* For ordinary recurring expenses of operation $6,000.00

16. DEPARTMENT OF HEALTH

(a) *Department of Health—General.* For ordinary recurring expenses of operation including laboratory services $175,000.00

(b) *Prevention of Blindness.* For ordinary recurring expenses of operation $2,500.00

(c) *County Health Units and Departments.* For ordinary recurring expenses of operation including visiting nurse services $311,500.00

(d) *Hazelwood Sanatorium.* For ordinary recurring expenses of operation $88,000.00

(e) *Interest on Bonds.* For extraordinary expenses of interest on Hazelwood Sanatorium bonds and Sinking Fund requirements $9,600.00

(f) *Kentucky Crippled Children's Commission.* For ordinary recurring expenses of operation $100,000.00

(g) *Julius Marks Sanatorium.* For ordinary recurring expenses of operation as provided for in Section 2061-a-28, Kentucky Statutes $10,000.00

(h) *Covington, Kenton County, T. B. Sanatorium.* For ordinary recurring expenses of operation $7,500.00

(i) *Warren County T. B. Sanatorium.* For ordinary recurring expenses of operation $5,000.00

17. DEPARTMENT OF WELFARE

(a) *Commissioner of Welfare.* For ordinary recurring expenses of operation of the charitable and penal institutions, Kentucky Children's Home, administration and supervision of enrollees from the various counties to the C. C. C. camps sponsored by the Federal Government, and the administration of the Department of Welfare, including probation and parole $2,760,000.00

(b) *Division of Public Assistance.* For ordinary expenses of operation and cooperation with the Federal Government under the Social Security Act approved August 14, 1935, including adjustments of prior year or current year accounts necessary to comply with the Federal regulations, and for the administration of Old Age Assistance, Chapter 94, 1936 Regular Session, or said act as amended, including the cost of printing checks for recipients of Public Assistance program. Also, for administration of the Child Welfare program and for the administration of the existing statutes pertaining to "Aid to Dependent Children" and to "Aid to the Blind" provided these two statutes are held valid by the Court of Appeals $4,250,000.00

(c) *Home for Incurables.* For ordinary recurring expenses of operation $15,000.00

(d) *Colored Red Cross Hospital.* For ordinary recurring expenses of operation under the supervision of the Department of Welfare $4,000.00

(e) *U. S. Commodity Distribution* For expense of operation $65,000.00

(f) *Conveyance of Lunatics.* For ordinary recurring expenses of operation $9,000.00

(g) *Pauper-Idiots.* For ordinary recurring expenses of operation $80,000.00

18. DEPARTMENT OF EDUCATION

(a) *Superintendent of Public Instruction.* For ordinary recurring expenses of operation $60,000.00

(b) *Division of Certification.* For ordinary recurring expenses of operation $15,000.00

(c) *State Board of Education.* For ordinary recurring expenses of operation $15,000.00

(d) *State Textbook Commission.* For ordinary recurring expenses of operation $500.00

(e) *Common School Per Capita Fund.* For the payment of teachers' salaries and other expenses incidental to the operation and maintenance of the public schools of the State $9,961,062.37

(e1) (Of this amount $400,000.00 shall be earmarked as an Equalization Fund to be expended as may be provided by law.)

(f) For interest on State School Bonds, as provided by the Constitution for the support of Common Schools, which amount shall be used to supplement the appropriation for Common School per capita $138,937.63

(g) *Free Textbooks.* For the purchase of textbooks as provided for in Chapter 48, Acts 1928 ..... $500,000.00

(h) *War Orphan Scholarship Fund.* For the purpose

of carrying out the provisions of Sections 4376b-11 and 4527-31, Kentucky Statutes $1,000.00

(i) *Vocational Education.* For ordinary recurring expenses of operation under the provisions of existing laws $44,182.56

(j) *Vocational Rehabilitation.* For ordinary recurring expenses of operation in rehabilitating persons disabled in industry or otherwise $40,000.00

(k) *Kentucky State College for Negroes.* For ordinary recurring expenses of operation for Negroes $130,000.00

(l) *West Kentucky Vocational Training School.* For ordinary recurring expenses of operation for Negroes $40,000.00

(m) *College Tuition for Negroes.* For extraordinary expenses of paying college tuition of Negro students required to go out of the State to obtain higher educational training $10,000.00

(n) *Kentucky School for the Blind, White.* For ordinary recurring expenses of operation $69,000.00

(o) *Kentucky School for the Blind, Colored.* For ordinary recurring expenses of operation $8,000.00

(p) *Kentucky School for the Blind—Workshop for the Adult Blind.* For ordinary recurring expenses of operation $14,800.00

(q) *Kentucky School for the Deaf, White.* For ordinary recurring expenses of operation $129,500.00

(r) *Kentucky School for the Deaf, Colored.* For ordinary recurring expenses of operation $9,000.00

(s) *Mayo Vocational Training School.* For ordinary recurring expenses of operation for white people....$35,000.00

(t) *Teachers Retirement Fund.* For administering and complying with the obligations of the State under the Teacher Retirement Act, Chapter 1 of the Acts of the General Assembly of 1938, First Special Session, or said act as amended or superseded, an amount equal to the total money paid into the State Treasury during the fiscal year beginning July 1,

1943, and ending June 30, 1944, by teachers participating under the provisions of said Act, but not to exceed $650,000.00

19. UNIVERSITY OF KENTUCKY

(a) *Division of Colleges.* For ordinary recurring expenses of operation $933,000.00

(b) *College of Agriculture.* For ordinary recurring expenses of operation $24,000.00

(c) *Summer School Session.* For ordinary recurring expenses of operation $10,000.00

(d) *Repairs to Buildings.* For ordinary and extraordinary expenses of operation $30,000.00

(e) *Strawberry Marketing and Labeling Act.* For ordinary expenses of administration $1,500.00

(f) *For Extraordinary Expenses* $60,000.00

(f1) (Of this amount each item shall not exceed the amounts specified below):

Library Equipment $10,000.00
Scientific Laboratory Equipment $20,000.00
Engineering Equipment $20,000.00
Home Economics Equipment $10,000.00

(g) *Capital Outlay* $200,000.00

(h) *Experiment Station.* For ordinary recurring expenses of operation $50,000.00

(i) *Tobacco Research.* For research and experimental purposes in an effort to find new commercial uses for tobacco and its by-products $7,500.00

(j) *Research in Coal* $7,500.00

(k) *Service Laboratories.* For ordinary recurring expenses of operation $21,000.00

(l) *Nursery Inspection.* For ordinary recurring expenses of operation $2,000.00

(m) *Princeton Sub-Station.* For ordinary recurring expenses of operation $16,000.00

(n) *Quicksand Sub-Station.* For ordinary recurring expenses of operation $16,000.00

(o) *Agricultural Extension Work.* For ordinary recurring expenses of operation $155,000.00

(p) *Horticulture.* For ordinary recurring expenses of operation as necessary in performing the duties required of the Kentucky Agricultural Experiment Station, as defined in Chapter 30, Acts of the General Assembly, first special session, 1938 ..... $10,000.00

20. STATE TEACHERS COLLEGE

(a) *Eastern Kentucky State Teachers College.* For ordinary recurring expenses of operation $280,000.00

(b) *Morehead State Teachers College.* For ordinary recurring expenses of operation $234,000.00

(c) *Murray State Teachers College.* For ordinary recurring expenses of operation $254,000.00

(d) *Western Kentucky State Teachers College.* For ordinary recurring expenses of operation $365,000.00

21. DEPARTMENT OF LIBRARY AND ARCHIVES

(a) *Law Librarian.* For ordinary recurring expenses of operation $9,800.00

(b) *Law Library—Books.* For ordinary recurring expenses of operation, as provided for under Section 2448, Kentucky Statutes $3,500.00

(c) *Library Sales Account—Kentucky Reports.* For ordinary and extraordinary expenses of paying the costs of publishing the Kentucky Reports and pamphlets of opinions of the Court of Appeals, as provided by law $21,000.00

(d) *Distribution and Repair of Books.* For ordinary recurring expenses of operation $500.00

(e) *Division of Library Extension.* For ordinary recurring expenses of operation $15,000.00

(f) *Kentucky State Historical Society.* For ordinary recurring expenses of operation $8,715.00

22. DEPARTMENT OF BUSINESS REGULATIONS

(a) *Division of Athletic Control.* For ordinary recurring expenses of operation $6,500.00

(b) *Division of Banking and Small Loans.* For ordinary recurring expenses of operation $45,000.00

(c) *Division of Insurance.* For ordinary recurring expenses of operation $45,000.00

(d) *Division of Securities.* For ordinary recurring expenses of operation $7,500.00

23. DEPARTMENT OF INDUSTRIAL RELATIONS

(a) *Office of the Commissioner.* For ordinary recurring expenses of operation $9,000.00

(b) *Division of Wage Hours for Women and Minors.* For ordinary recurring expenses of operation including labor and statistics generally and inspection services.. $35,000.00

(c) *Kentucky State Employment Service.* For ordinary recurring expenses of operation $64,345.00

(It is the intention of the Legislature that this appropriation be expended only and when this agency might be returned from the Federal Government to its former State status. No part of this $64,345.00 is to be transferred to any other agency, budget unit, or budget class.)

24. DEPARTMENT OF MINES AND MINERALS

(a) *Division of Coal Mining.* For ordinary recurring expenses of operation $40,000.00

(b) *Division of Geology.* For ordinary recurring expenses of operation $14,000.00

25. RAILROAD COMMISSION

(a) *Railroad Commission.* For ordinary recurring expenses of operation $20,000.00

26. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

Overton Appropriation $600.00

(b) *Money Refunded.* For refunding money paid to the State Treasury, which may be later determined not to be a lawful collection by the State. No money shall be refunded, however, after it has been paid into the State Treasury except by authority of a Court Order or a written opinion from the Attorney General and approved by the Commissioner of Finance $125,000.00

(c) *Bonds of Elective Officers.* For payment of premiums on bonds of elected State officials who are required by law to execute bonds to the Commonwealth of Kentucky, the payment of which is incumbent upon the State.. $2,500.00

(d) *Judgments.* For the payment of such judgments as may be rendered against the Commonwealth by order of Court and approved by the Attorney General $50,000.00

(e) *Interest on Land Grant Bonds.* For payment of interest semi-annually on A. & M. Bonds as provided by Section 4591a, Kentucky Statutes $9,900.00

(f) *Frankfort Cemetery.* For the purpose of assisting in the care of graves in the Frankfort Cemetery to be paid to persons authorized by law to receive same $250.00

(g) *Statutes and Codes for Courts.* For paying for replacements and purchase of statutes and codes for the Courts as provided in Section 2432, Kentucky Statutes $3,000.00

(h) *Interest on Non-Resident Tax Deposits* $125.00

(i) *Jefferson County Fees.* For paying various officials of Jefferson County the fees provided by law to be paid by the State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance $450,000.00

(j) *Kenton County Fees.* For paying various officials of Kenton County the fees provided by law to be paid by the

State to such officials when such claims for fees have been presented to the Department of Finance in the form and manner prescribed by law and approved by the Commissioner of Finance $85,000.00

PART TWO-A

REVOLVING, TRUST AND AGENCY FUNDS

There is hereby appropriated to the various professional boards or other boards, commissions, institutions, agencies or subdivisions of the State Government for the fiscal year ending June 30, 1944, all of the fees (which include fees for board and room, athletic, student activities) and rentals, admittances, sales, licenses, collected by law, contributions, gifts, subventions, and other miscellaneous receipts produced by any of the following professional boards, or other boards, commissions, institutions, agencies, and subdivisions of the State Government, except as otherwise specifically provided, for the use and benefit of each of the below-named professional boards, or other boards, commissions, institutions, agencies and subdivisions of the State Government, the receipts which are received by each of the respective professional boards, or other boards, commissions, institutions, agencies or subdivisions of the State Government; which receipts are placed to the credit of a Revolving Fund (Minor Fund) out of which shall be established separate Revolving Fund Accounts for the use and benefit of each separate professional Board or other boards, commissions, institutions, agencies and/or subdivisions of the State Government. The fund accredited to each shall not exceed at any time the amount of receipts received from the separate professional board or other boards, commission, institution, agency, and/or subdivision of the State Government and withdrawal from the said Revolving Fund by each of the said professional boards, or other boards, commissions, institutions, agenci and/or subdivisions of the State Government may be

when and if needed for ordinary recurring expenses of operation properly approved by the Department of Finance, Division of Accounts and Control, and said requisitions shall not be approved unless there is to the credit of the Revolving Fund of such professional Board, or other board, commission, institution, agency and/or subdivision of the State Government, a free and unencumbered sum equal to the amount of the requisitions. The total amount any agency may requisition from the Revolving Fund Account through the Department of Finance, shall not during the fiscal year ending June 30, 1944, exceed the amount placed to the credit of the Revolving Fund, out of which has been established a Revolving Fund Account for each separate agency during the fiscal year July 1, 1943, to June 30, 1944, inclusive, plus any balance which said professional board, or other board, commission, institution, agency and/or subdivision of the State Government may have had forwarded from the preceding year, on or before September 30, of the then current fiscal year, by the Department of Finance.

SECRETARY OF STATE—

Process Agents. All revenue received under Section 571 of Kentucky Statutes and Chapter 41, Acts of 1940 General Assembly, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to General Expenditure Fund.

Corporations. All revenue received under Section 540 of Kentucky Statutes and Chapter 42, Acts of 1940 General Assembly, not exceeding seven thousand five hundred dollars ($7,500.00). It is the intention of the Legislature that all receipts in excess of seven thousand five hundred dollars ($7,500.00) shall be credited to General Expenditure Fund.

DEPARTMENT OF TREASURY—

Division of Louisville Securities Office.

AUDITOR OF PUBLIC ACCOUNTS—

County Share of Cost of Audits. For the use and benefit of said office in the examination of records of county officers receiving or disbursing public money belonging to the county, all of the fees that may be collected for the fiscal year, as provided in Section 4636-1, Kentucky Statutes.

DEPARTMENT OF FINANCE—

Duplicating Section.

Truck Licenses—County Portion. There shall be credited to this fund for the purpose of distribution to counties from such portion of truck licenses as is now provided by law, at such times as the Department of Finance may order.

New Lands and Buildings. For capital outlay, restoration, repairing, replacement, equipment, maintenance and improvement of state property, any and all monies, not otherwise appropriated or obligated, that have been and that may be received from the Federal Government or any Federal agency, as a reimbursement on any New Land and Building or Improvement Program which may be made applicable for use for said purposes or any of them.

DEPARTMENT OF REVENUE—

Operators' Licenses. There shall be credited to this fund such receipts as are specifically provided for under Section 2739M-34, Kentucky Statutes.

Back Tax Section. (Delinquent Taxes.) There shall be credited to this Revolving Fund such fees and revenues as provided for by Section 4257a-5, Kentucky Statutes.

Fair Trade Act—Distilled Spirits. All revenue received under Section 11, Chapter 13, Acts of 1940, General Assembly.

Refunding Expense of County Bonds.

DEPARTMENT OF CONSERVATION—

Division of State Parks

Division of Forestry (federal)

Division of Publicity
Division of Game and Fish Commission

MILITARY DEPARTMENT—
Non-Elective Peace Officers

COMMISSIONER OF AGRICULTURE—
Dog Law Enforcement
Inspection—Stockyard Weighmen
Inspection—Tobacco Warehouse Weighmen

STATE FAIR BOARD—
Continuing Fund—Operation
Construction Fund

DEPARTMENT OF HEALTH—
Department of Health—General and Federal
Hazelwood Sanatorium
Kentucky Crippled Children's Commission

DEPARTMENT OF WELFARE—
Division of Hospitals and Mental Hygiene
Division of Corrections
Division of Child Welfare
Division of Public Assistance
Metal Stamping Plant
Welfare Construction Fund
Children's Home Society—White
Surplus Commodity Distribution

DEPARTMENT OF EDUCATION—
General Education Board
Jeannes Fund
Any other Private or Federal Funds that may become available for use in connection with the Department
George-Deen Fund (Federal)

Smith-Hughes Fund (Federal)
Defense Workers (Federal)
Out of School Youth Defense Training (Federal)
N. Y. A. Education (Federal)
National Defense Equipment (Federal)
Vocational Rehabilitation (Federal)
Vocational Rehabilitation (Private)
Kentucky State College for Negroes (Including Federal)
West Kentucky Vocational Training School
Mayo Vocational Training School
State Board of Education—Investment Fund
Kentucky School for the Deaf
Workshop for the Adult Blind
Lincoln Institute

UNIVERSITY OF KENTUCKY—

STATE TEACHERS COLLEGES—

Eastern Kentucky State Teachers College
Morehead State Teachers College
Murray State Teachers College
Western Kentucky State Teachers College

DEPARTMENT OF LIBRARY AND ARCHIVES—

Kentucky Historical Society
Stephenson Fund
Library Extension Division
State Board of Certification of Librarians

DEPARTMENT OF BUSINESS REGULATIONS—

Division of Professional Regulations. The salary of the secretary and other recurring expenses of operation for the Division of Supervision of Professional Regulations in the Department of Business Regulations shall be paid by assessments made against the funds of the professional

agencies and boards under the Department of Business Regulations. The assessments shall be determined and fixed as provided in the Reorganization Act, Section 4618-120, Kentucky Statutes.

State Board of Accountancy
State Board of Examiners and Registration of Architects
State Board of Barber and Beautician Examiners
State Board of Chiropractic Examiners
State Board of Dental Examiners
State Board of Embalmers
State Board of Pharmacy
State Board of Pharmacy Prophylactic Enforcement
State Board of Examiners of Trained Nurses
State Board of Veterinary Examiners
State Board of Bar Examiners
Insurance Examiners Expense
State Board of Professional Engineers
Division of Motor Transportation
Kentucky State Real Estate Commission

Division of Insurance, Fire Prevention. All fees, receipts collections and assessments paid into the State Treasury from December 31, 1942, to and including December 31, 1943, under Section 762-b-5, Kentucky Statutes and also an amount equal to twenty-five percent (25%) of all fees and other receipts paid into the State Treasury from December 31, 1942 to and including December 31, 1943, pursuant to the provisions of Section 761, Kentucky Statutes, hereby are appropriated to the Division of Insurance, Fire Prevention and Rates Section for the fiscal year ending June 30, 1944.

Banking and Small Loans. All revenue received by the Department in excess of the General Fund Appropriation shall be credited to the Revolving Fund for ordinary recurring expenses of the Division of Banking as may be provided by law.

DEPARTMENT OF MINES AND MINERALS—

Division of Geology

Division of Coal Mining

All revenue received by the Division of Geology is hereby appropriated for ordinary and recurring expenses of the Division and all revenue received by the Division of Coal Mining, including fees for inspection of mines and examination of mine foremen, is hereby appropriated for ordinary and recurring expenses of the Division.

PUBLIC SERVICE COMMISSION—

Out of the fees collected by the Public Service Commission as provided by Chapter 145, Regular Session of the 1934 General Assembly, and Chapter 13, First Special Session, 1938, a sum of $130,000.00 for the fiscal year ending June 30, 1944, is appropriated for the payment of salaries of the commissioners, employees, counsel for commissioners, secretary, and other ordinary recurring expenses necessary to enable the Commission to perform all of the functions and duties of the said Commission as provided by law.

KENTUCKY REAL ESTATE BOARD—

DEPARTMENT OF INDUSTRIAL RELATIONS—

Workmen's Compensation Board

Division of Unemployment Compensation—Federal

Kentucky State Employment Service

JEFFERSON COUNTY MASTER COMMISSIONER—

NOT OTHERWISE CLASSIFIED—

Truck License Refunds

PART THREE-A

DEPARTMENT OF HIGHWAYS

(1) *State Road Fund.* There shall be established for the purpose of paying all cost of operation and maintenance of the State Highway Department and for carrying on its

activities for the fiscal year beginning April 1, 1943; and ending March 31, 1944, a State Road Fund; and there is hereby appropriated to the State Road Fund all the funds now realized out of the State revenues, authorized now by law or that may hereafter be authorized by law, or any additional or other revenues that may be imposed by law for the benefit of public roads and all funds realized from the Motor Vehicle Registration Tax, the Gasoline Tax, and the Tax on Other Motor Fuels, now collected by law or that may hereafter be imposed or collected by law for the benefit of said department and its activities. Such receipts and revenues shall constitute the State Road Fund.

There is hereby appropriated to the State Highway Department all monies received and placed to the credit of the State Road Fund during the fiscal year ending March 31, 1944, not otherwise appropriated in this Act, for use and benefit of the State Road System in construction, maintenance, and repair of roads, and for all the activities and duties of said Department, as prescribed by law.

(2) *Divisions of Administration, Records, Equipment, Maintenance, and Construction.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1944, for ordinary recurring administrative expenses of operation, including the cost of printing Treasury checks for the department, the sum of $600,000.00.

(3) *Division of Rural Highways.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1944, to be used by the Division of Rural Highways for the improvement, reconstruction and maintenance of county roads and bridges which have not been accepted by the State Highway Commission for maintenance, said appropriation to be expended in accordance with Chapter 5, Acts of the General Assembly, 1936....$2,000,000.00

(Of this amount, not more than 10 per cent may be used for administrative purposes for the Rural Highway Division in the Highway Department.)

(4) *Division of Highway Patrol.* There is hereby appropriated out of the State Highway Road Fund for the fiscal year ending March 31, 1944, for the ordinary recurring expenses of operation of the Highway Patrol, as provided by law $1,000,000.00

(It is the intention of the Legislature that $700,000.00 of this appropriation be used and expended only upon approval of the Governor as it may become necessary for the Governor to expand the Highway Patrol services.)

(5) *Revolving Fund.*

(a) *Administration of Gasoline Tax, Motor Vehicle Registration Tax and Tax on Other Motor Fuels.* There is hereby appropriated out of the State Highway Road Fund to the Department of Revenue for the fiscal year ending June 30, 1944, for ordinary recurring expenses of operating, administering, and enforcing the laws pertaining to the Gasoline Tax, the laws pertaining to the Motor Vehicle Registration Tax, and the laws pertaining to Other Motor Fuels $130,000.00

(b) *Motor Transportation.* There is hereby appropriated out of the State Highway Fund for the fiscal year ending June 30, 1944, for the use of the Department of Business Regulations, Division of Motor Transportation, for ordinary recurring expenses of operation $60,000.00

PART FOUR

The following sections 1, 2, 3, 4, 5 and 6 are enacted and apply to Parts One, Two and Three of the appropriations for the fiscal year ending June 30, 1943, and apply to Parts One-A, Two-A and Three-A of the appropriations for the fiscal year ending June 30, 1944.

1.

All receipts, fees, and/or revenue, regardless of whether heretofore specified in this Act, of every department, board, commission, institution, agency, division, or subdivision of

the State Government shall be covered into the State Treasury, promptly as described in the general Statutes, through the Department of Finance and placed to the credit of the General Expenditure Fund, excepting those revenues which are specifically allocated to the State Road Fund or the Revolving Fund which shall be credited to their respective funds as provided for in this Act. The fees, receipts, and/or revenue of every officer, department, division, subdivision, commission, board, institution, or agency of the State Government shall be covered into the State Treasury, promptly as described in the general Statutes, and placed to the credit of the General Expenditure Fund and shall be used to defray the expenses of the State Government, and the appropriations made from the General Expenditure Fund in this Act, unless otherwise specifically appropriated to one of the professional boards, commissions, institutions, agencies, or subdivisions of the State Government for Revolving Fund purposes; such agencies shall be only those that are listed in this Act as having been approved for Revolving Fund Accounts.

2.

The appropriations herein made for the ordinary recurring expenses and extraordinary expense and capital outlay for any officer, department, board, commission, institution, and subdivisions of the State Government of the Commonwealth of Kentucky shall not be available for expenditure until allotted as now provided by law, and such appropriations as specifically made in this Act are hereby declared to be maximum and conditional appropriations except when the Governor determines an emergency exists in any department, board, commission, institution, or subdivision of the State Government requiring an additional allotment of funds to be made from the General Emergency Fund hereby placed at his disposal and made a specific appropriation to be used by him to meet existing emergencies so determined by him. This appropriation is designated under Section 4 "EXECU-

TIVE DEPARTMENT" Item (d)1, Part One for the fiscal year ending June 30, 1943, and Section 4, "EXECUTIVE DEPARTMENT" Item (d)1, Part One-A for the fiscal year ending June 30, 1944, of this Act.

Whereas, a state of war exists in the United States, and the effect upon the finances of the Commonwealth can not be ascertained at this time, and since the actual needs of each officer, department, board, commission, institution, or subdivision of the State Government can only be anticipated and not finally determined by the Legislature, and since the total amount of revenue accruing to the General Expenditure Fund from which these appropriations are hereby made can only be anticipated through existing laws and those that may hereafter be enacted, it is the purpose and intention of this Legislature that the State expenditures for each fiscal year covered in this Act shall not exceed the total revenues anticipated to accrue to the General Expenditure Fund for the same fiscal year. As the conditions can not be finally determined until after the adjournment of this session of the Legislature, and as the needs of each officer, department, board, commission, institution or subdivision of the State Government and the total revenues accruing to the General Fund can not be fully determined at this time, it is the intention and the purpose of this Legislature that the Commissioner of Finance, with the advice of the Commissioner of Revenue and the approval of the Governor of the Commonwealth, be and he is hereby authorized, empowered and directed to ascertain and determine the needs of each officer, department, board, commission, institution, or subdivision of the State Government, and to ascertain the total revenues anticipated to accrue to the General Expenditure Fund of the Commonwealth, and upon the ascertainment and determination of said facts, he, the Commissioner of Finance, in the manner set forth and as provided by general laws, is hereby authorized, empowered and directed by the Legislature to prevent an overdraft or deficit in any fiscal year

for which appropriations are herein made by equitably reducing, according to need, without discrimination, the appropriations herein made to any officer, department, board, commission, institution, or subdivision of the State Government; provided that the power hereby vested shall not permit any reduction of the appropriation of any officer, department, board, commission, institution or subdivision of the State Government that will actually impair the necessary constitutional functions of any agency whose operations and functions are determined to be necessary constitutional functions of government.

None of the money appropriated specifically herein under the term "capital outlay" shall be allotted or expended without the approval of the Governor, and the Governor shall not approve the allotment or the expenditure of any funds for capital outlay unless the total amount of revenue accruing to the General Expenditure Fund through existing laws is sufficient to justify said expenditures and unless the Governor of the Commonwealth believes the expenditure of said fund is feasible, taking into consideration the cost of labor and the cost and supply of materials incident thereto.

3.

To carry out the purpose of this Act for the ensuing (1942-44) biennium, the Commissioner of Finance is hereby empowered and granted the authority to make allotments and/or reallotments from appropriations made to the various officers, departments, boards, commissions, institutions, and subdivisions of the State Government, so as to prevent an overdraft, or a deficit in any fiscal year for which appropriations are herein made, and to prevent the maximum appropriation made to any officer, department, board, commission, institution or subdivision of the State Government from being exceeded.

4.

Nothing in this Act shall be construed to repeal any appropriation for the fiscal year ending June 30, 1942, which was made under the provisions of Chapter 6, Chapter 16, and Chapter 261, Acts of the 1940 Session of the Legislature, and nothing in this Act is to be construed to amend or alter the Reorganization Act of 1936 as pertaining to the duties and powers of the Commissioner of Finance.

5.

In enacting this Budget Appropriation Law, it is the deliberate intention of the General Assembly to enact each section, and each subsection thereof, as a separate and/or specific appropriation and law; and if any section or any subsection thereof shall be held invalid, or unconstitutional the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions contained herein.

6.

All continuing appropriations in existence at the time of this Act are hereby discontinued and repealed by this Act. All laws and parts of laws in conflict with any of the provisions of the above enactments, to the extent of such conflict, are hereby repealed.

Mr. Ward moved the Previous Question.

Mr. Ward moved that the House do now agree to limit the debate on whether the Previous Question be applied to fifteen minutes for those favoring the question and fifteen minutes for those opposing the question.

Without objection, said last named motion was agreed to.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Milam and Waterfield, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Clyde S. Howard	L. Allen Rhoads
George P. Anderson	Chas. O. Humston	Dr. J. J. Rice
Henry Arrowood	Joe B. Jarboe, Jr.	Wade H. Riley
William F. Ball	William L. Jones	Dr. M. M. Robinson
Robert E. Barry	John S. Juett	Dr. K. N. Salyer
W. T. Beard	W. A. Lamkin	Carl Scheben
Robert E. Beatty	H. W. Linville	Leon J. Shaikun
Douglas T. Bolling	A. L. Love	Faust Y. Simpson
Sherman E. Carter	William Lovett	Clyde Smith
C. L. Clayton	Hugh D. Lyon	Otto Smither
T. Fowler Combs	Cary McDevitt	Charles L. Spilman
John Henry Cox	Norris McPherson	J. Claude Stacy
Guthrie F. Crowe	Dr. Wm. C. Mann	R. C. Stephenson
Pink G. Curd	C. C. May	C. W. Taylor
Dr. J. A. Duff	J. Milton Mefford	Egbert Taylor
Forest C. Easley	J. Lee Moore	Roy L. Taylor
Harry W. Ennis	L. D. Moore	Rev. H. Tinsley
T. P. Fitzpatrick	C. E. Montgomery	Erna E. Tyra
W. W. Freeman	F. E. Morancy	C. R. Walden
Joseph J. Grace	C. Sid Nabb	Harry Walters
P. Bert Hall	Robert Nicholas	Henry Ward
A. G. Hamilton, Jr.	B. W. Porter	E. Reed Wilson
E. R. Hilton	Kleber F. Price	

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Those who voted in the negative were—

H. M. Brock, Jr.	Jerry F. Howell	Coy Nevitt
Gus A. Brooks	Crow Jarvis	H. C. Patterson
Oris Cooper	Harry K. Lowman	Paul Pelfrey
M. A. Cornett	Ed. Marcum	James E. Quill
Rev. W. W. Crouch	Sam Milam	Byron H. Royster
John D. Fields	D. J. Moore	James D. Stacey
Fuller Harding	E. R. Morlidge	John L. Trumbo

S. J. Wagner H. A. Ward H. L. Waterfield
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Mr. Milam moved that the House do now resolve itself into a Committee of the Whole House for the purpose of hearing the Commissioner of Revenue discuss the revenues of the State.

Without objection, the motion as made by Mr. Milam was withdrawn.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Guthrie F. Crowe	Joe B. Jarboe, Jr.
George P. Anderson	Pink G. Curd	Crow Jarvis
Henry Arrowood	Dr. J. A. Duff	William L. Jones
William F. Ball	Forest C. Easley	John S. Juett
Robert E. Barry	Harry W. Ennis	W. A. Lamkin
W. T. Beard	John D. Fields	H. W. Linville
Robert E. Beatty	T. P. Fitzpatrick	A. L. Love
Douglas T. Bolling	W. W. Freeman	William Lovett
H. M. Brock, Jr.	Joseph J. Grace	Harry K. Lowman
Sherman E. Carter	Bert P. Hall	Hugh D. Lyon
C. L. Clayton	A. G. Hamilton, Jr.	Cary McDevitt
T. Fowler Combs	Fuller Harding	Norris McPherson
Oris Cooper	E. R. Hilton	Dr. Wm. C. Mann
M. A. Cornett	Clyde S. Howard	Ed. Marcum
John Henry Cox	Jerry F. Howell	C. C. May
Rev. W. W. Crouch	Chas. O. Humston	J. Milton Mefford

D. J. Moore	L. Allen Rhoads	Thomas M. Swope
J. Lee Moore	Dr. J. J. Rice	C. W. Taylor
L. D. Moore	Wade H. Riley	Egbert Taylor
C. E. Montgomery	Dr. M. M. Robinson	Roy L. Taylor
F. E. Morancy	Dr. K. N. Salyer	Rev. H. Tinsley
E. R. Morlidge	Carl Scheben	John L. Trumbo
C. Sid Nabb	Leon J. Shaikun	Erna E. Tyra
Coy Nevitt	Faust Y. Simpson	S. J. Wagner
Robert Nicholas	Clyde Smith	C. R. Walden
H. C. Patterson	Otto Smither	Harry Walters
Paul Pelfrey	Charles L. Spilman	H. A. Ward
B. W. Porter	J. Claude Stacy	Henry Ward
Kleber F. Price	James D. Stacey	E. Reed Wilson
James E. Quill	R. C. Stephenson	Stanley S. Dickson, Speaker

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Those who voted in the negative were—

Gus A. Brooks	Byron H. Royster	H. L. Waterfield
Sam Milam		

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Resolved that the title thereof be as aforesaid.

Mr. Ward moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Ward moved that the Rules of this House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Thereupon the following bills were introduced, viz.:

By Mr. Swope.

H. B. 36. An Act relating to old-age assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 3 of Chapter 159 of the Acts of 1940 is amended to read as follows:

The amount of Old Age Assistance which shall be granted to any needy aged shall be determined with due regard to the personal resources and personal requirements of the individual and the conditions existing in each case and shall be sufficient, when added to all other personal income and self-support available to the needy aged, to provide the needy aged with reasonable subsistence compatible with health and decency. Such old age assistance shall not exceed thirty dollars for any month, nor shall it be less than fifteen dollars for any month.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 205.030, and thereafter be treated as an amendment to KRS 205.030 rather than an amendment to 1940, c. 159, § 3.

By Mr. Beatty.

H. B. 37. An Act relating to revenue and taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. § 4128 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

(1) Any taxpayer feeling himself aggrieved by the action of the board of supervisors of tax may appeal to the quarterly court within thirty days after the final adjournment of the supervisors, by filing with the judge of the quarterly court a certified copy of the action of the supervisors,

under the hand of their clerk. He may appeal from the decision of the quarterly court to the circuit court and then to the Court of Appeals in the same manner as in other civil cases. The county attorney shall represent the supervisors in the quarterly or circuit court, and the Attorney-General shall represent them in the Court of Appeals.

(2) If the county attorney or sheriff feels that the state, county or taxing district has been aggrieved by the action of the supervisors, or by their failure to act, either of said officers may appeal to the quarterly court by filing with the judge thereof a brief statement showing the action of the supervisors or stating wherein they failed to act properly. The quarterly court shall hear evidence and pass upon all such appeals, and the county attorney, the sheriff or the Department of Revenue may appeal to the circuit court and then to the Court of Appeals as in other civil cases. The county attorney shall represent the interest of the state and county in all appeals in the quarterly and circuit court, and the Attorney-General shall represent the interest of the state and county in the Court of Appeals.

(3) When an appeal is taken to the quarterly court by a taxpayer or by the county attorney or sheriff, the county attorney shall notify the Department of Revenue in writing within ten days after the appeal has been taken.

(4) The holder of any bond or other claim or the trustee of the holder of any bond or other claim against any county or taxing district in this state who feels that the bond or claim has been jeopardized or who feels that he has been aggrieved by the action of the board of supervisors of tax shall have the same rights of appeal that are given by this section to the state, county or taxing district.

(5) Any informality or irregularity in the execution of their duties by the supervisors, or any failure of duty on their part, shall not render any assessment invalid.

(6) Any county attorney who fails to comply with the

provisions of subsection (3) of this section shall be fined not more than one hundred dollars.

§ 2. §4114i-16 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

(1) The Kentucky Tax Commission shall convene at the State Capitol as the State Board of Equalization and Assessment on the second Monday in March each year to equalize the assessments of property among the counties, among the different classes of property, and among individuals and corporations. It shall continue in session from day to day for that purpose until the equalization has been completed. At this session it shall carefully examine the recapitulation of the county tax commissioners' books from each county, and shall compare the recapitulation with such data as it may obtain from any source, to determine whether the assessments conform to law.

(2) The State Board of Equalization and Assessment shall fix the assessment of all property of individuals and corporations at its fair cash value. When the property of any individual or corporation in any county is not assessed at its fair cash value, such assessment shall be increased or decreased to its fair cash value, and when all the property in any county, or any class of property in any county, is assessed for more than its fair cash value, the assessment shall be decreased to its fair cash value by fixing the percentage of decrease necessary to effect the equalization. The board may decrease the aggregate assessed valuation of the property in any county, or taxing district of a county, or any class of property, or any item in any class, and may, subject to the provisions of § 4114i-17, increase or decrease the assessed valuation of the property of any individual or corporation, before or after the meeting of the county board of supervisors of tax.

§ 3. § 4114i-17 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

Before making any increase or decrease in the assessed

valuation of the property of an individual or corporation, the State Board of Equalization and Assessment must give not less than five days' notice of its intention to the county judge and to the individual or corporation to be affected, and afford them an opportunity to be heard. If the county judge, or the individual or corporation, desires to appeal from the decision of the board, he may do so under the provisions of § 4114i-18, except that the individual or corporation need not have the consent of the fiscal court to prosecute the appeal.

§ 4. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, subsections (1), (22), (3) and (4) of section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 133.120, subsection (5) of section one of this Act shall be substituted for subsection (1) KRS 133.110, and subsection (6) of section one of this Act shall be substituted for subsection (5) of KRS 133.990, and section one of this Act shall thereafter be treated as an amendment to said section and subsections of the Kentucky Revised Statutes rather than an amendment to § 4128 of Carroll's Statutes, and the number "KRS 133.120" shall be substituted for "this section" in subsection (6) of section one of this Act.

§ 5. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section two of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 133.150, and shall thereafter be treated as an amendment to KRS 133.150 rather than an amendment to § 4114i-16 of Carroll's Statutes, and the number "KRS 133.160" shall be substituted for § 4114i-17 in section two of this Act.

§ 6. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section three of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 133.160, and shall thereafter be treated as an amendment to KRS 133.160 rather than amendment to § 4114i-16 of Carroll's Statutes, and the

number "KRS 133.160" shall be substituted for § 4114i-17 in section two of this Act.

By Mr. Beatty.

H. B. 38. An Act relating to the manufacture and use of hog medicine.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 63c-11 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

(1) No person manufacturing anti-hog cholera serum or virus or any other product used in the prevention or treatment of swine diseases, shall sell such products or offer them for sale unless he pays or causes to be paid to the Commissioner of Agriculture an annual license fee of fifty dollars.

(2) No person shall knowingly purchase or use anti-hog cholera serum or virus or any other product used in the prevention or treatment of swine diseases manufactured and sold by any person who has not complied with subsection (1).

(3) (a) This section shall not prohibit any pharmacist regularly licensed by the state from selling in this state anti-hog cholera serum or virus or any other product used in the prevention or treatment of swine diseases, which has been government inspected and approved, provided it is sold by a manufacturing concern licensed under this section.

(b) This section shall not prevent any person authorized to sell any hog cholera serum, hog cholera virus or other product used in the treatment of swine diseases from selling same to the owner of hogs nor shall this section prevent the injection or use of same by the owner of hogs in the treatment of his animals.

(4) All license fees as provided for in subsection (1), shall be paid to the State Treasurer and by him placed in a

revolving fund to be used by the Commissioner of Agriculture for the enforcement of the provisions of this Act.

(5) Any person who violates subsection (1) shall be fined not less than five hundred dollars nor more than five thousand dollars. Any person who violates subsection (2) shall be fined not less than ten dollars nor more than fifty dollars for each offense.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 257.190, and thereafter be treated as an amendment to KRS 257.190 rather than an amendment to § 63c-11 of Carroll's Kentucky Statutes, and upon the taking effect of the Kentucky Revised Statutes, subsection (5) of section one of this Act shall stand repealed but the repeal of subsection (5) of section one of this Act shall not affect KRS 257.990. Upon the taking effect of the Kentucky Revised Statutes "Chapter 257" shall be substituted for the words "this Act" in subsection (4) of section one of this Act.

Ordered that said bills be printed and referred.

Mr. Ward moved that a leave of absence be granted to Mr. J. Wood Vance for the remainder of this week.

Said motion was agreed to.

Mr. Swope moved that the House to now adjourn to meet again on tomorrow at one o'clock P. M.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 13, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend C. W. Grant of the First Methodist Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson, Jr.	Fuller Harding	E. R. Morlidge
George P. Anderson	E. R. Hilton	C. Sid Nabb
Henry Arrowood	Clyde S. Howard	Coy Nevitt
William F. Ball	Jerry F. Howell	Robert Nicholas
W. T. Beard	Chas. O. Humston	H. C. Patterson
Robert E. Beatty	W. H. Hunt	Paul Pelfrey
Douglas T. Bolling	Joe B. Jarboe, Jr.	B. W. Porter
H. M. Brock, Jr.	Crow Jarvis	Kleber F. Price
Gus A. Brooks	William L. Jones	James E. Quill
Sherman E. Carter	John S. Juett	L. Allen Rhoads
C. L. Clayton	W. A. Lamkin	Dr. J. J. Rice
T. Fowler Combs	H. W. Linville	Wade H. Riley
Oris Cooper	A. L. Love	Dr. M. M. Robinson
M. A. Cornett	William Lovett	Byron H. Royster
John Henry Cox	Harry K. Lowman	Dr. K. N. Salyer
Rev. W. W. Crouch	Hugh D. Lyon	Carl Scheben
Guthrie F. Crowe	Norris McPherson	Leon J. Shaikun
Pink G. Curd	Dr. Wm. C. Mann	Faust Y. Simpson
Dr. J. A. Duff	Ed. Marcum	Otto Smither
Forest C. Easley	C. C. May	Charles L. Spilman
Harry W. Ennis	J. Milton Mefford	J. Claude Stacy
John D. Fields	Sam Milam	James D. Stacey
T. P. Fitzpatrick	D. J. Moore	R. C. Stephenson
W. W. Freeman	J. Lee Moore	Thomas M. Swope
Joseph J. Grace	L. D. Moore	C. W. Taylor
Bert P. Hall	C. E. Montgomery	Egbert Taylor
A. G. Hamilton, Jr.	F. E. Morancy	Roy L. Taylor

Rev. H. Tinsley	C. R. Walden	H. L. Waterfield
John L. Trumbo	Harry Walters	E. Reed Wilson
Erna E. Tyra	H. A. Ward	Stanley S. Dickson,
S. J. Wagner	Henry Ward	Speaker

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Simpson moved that Mr. Smith be granted a leave of absence from today's session.

Said motion was agreed to.

Mr. Ward moved that the name of Joy Nemier who was elected Page of this House be stricken from the roll of employees and that no compensation be allowed her.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, viz.:

By Mr. Spilman.

H. B. 39. An Act relating to recorders for justices' districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1083a-4 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

(1) In each justice's district of a county having a population of over 250,000 the justice of the peace shall employ one recorder, whose employment shall continue for the period

during which the justice making the appointment holds office, and may employ not more than three as deputy recorders.

(2) Each recorder shall receive a salary of two hundred dollars per month, and each deputy recorder shall receive a salary of one hundred and fifty dollars per month. Their salaries shall be paid monthly, out of the county treasury, and shall be in lieu of all other compensation.

(3) The fiscal court shall require recorders and deputy recorders to give bond, with good and sufficient sureties. The employment of each recorder and deputy recorder shall be noted of record by the justice, and the employment of any recorder or deputy recorder may be terminated at any time, for cause, by order of record by the justice.

(4) Any recorder or deputy recorder may serve in any justice's district of the county.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 25.710, and thereafter be treated as an amendment to KRS 25.710 rather than an amendment to § 1083a-4 of Carroll's Statutes.

By Mr. Faust Y. Simpson.

H. B. 40. An Act relating to public education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4363-10, Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

The State Board of Education is authorized in its discretion to accept the provisions of any act of Congress appropriating and apportioning funds to the state for use in connection with any phase of the state's system of education. It shall prescribe such regulations as it finds necessary to

provide for the proper apportionment and disbursement of these funds in accordance with the state and federal laws. Said State Board of Education may accept and provide for the administration of any gift, donation or devise to the schools under its supervision or control.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, Section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 156.100, and shall thereafter be treated as an amendment to KRS 156.100 rather than an amendment to Section 4363-10, Carroll's Kentucky Statutes.

By Mr. Scheben.

H. B. 41. An Act amending the Constitution of the Commonwealth of Kentucky, relating to assistance to the aged, to the blind, and to dependent children, and to other assistance in cooperation with the federal government under the Social Security Act and acts amendatory thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That upon the concurrence of three-fifths of all the members elected to each house of the General Assembly of the Commonwealth of Kentucky, the yeas and nays being taken thereon and entered in full on their respective journals, that there be and it is hereby adopted an amendment to the Constitution of Kentucky, which shall read as follows: The General Assembly shall provide by law for assistance to the aged, to the blind, and to dependent children, and for other assistance in cooperation with the federal government under the Social Security Act and acts amendatory thereto.

Section 2. This amendment shall be submitted to the

voters of the State for their ratification or rejection at the time and in the manner provided for under Sections 256he Acts of 1940, or, if the Kentucky tucky and under Chapter 38 of the Acts of 1940, or, if the Kentucky Revised Statutes are enacted under Sections 256 and 257 of the Constitution and KRS 118.430.

By Mr. Freeman.

H. B. 42. An Act amending Sec. 1954d-59 of Baldwin's 1938 Kentucky Statutes Service.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1954d-59 of Baldwin's 1938 Kentucky Statutes Service, being section 57 of Chapter 107 of the Acts of 1938 is amended to read as follows:

§ 1. No person shall in any one day take more than six squirrels.

§ 2. Any person violating section one of this Act shall be fined not less than fifteen ($15.00) dollars and not more than one hundred ($100.00) dollars for each offense.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 150.380, and thereafter be treated as an amendment to KRS 150.380 rather than an amendment to § 1954d-59 of Carroll's Statutes, and section two of this Act shall stand repealed, and KRS 150.990 shall not be affected by this Act.

By Mr. May.

H. B. 43. An Act relating to public education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4421c-1 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

The Superintendent of Public Instruction, subject to the approval of the State Board of Education, shall purchase textbooks from the publishers whose books have been adopted by the State Textbook Commission and distribute them without cost to pupils attending grades one to twelve of the public schools of the state, in the manner and upon the conditions set out in Sections 4421c-2 to 4421d-1, Carroll's Kentucky Statutes, 1936 edition.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, Section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 157.100, and shall thereafter be treated as an amendment to KRS 157.100 rather than an amendment to Section 4421c-1, Carroll's Kentucky Statutes, and the numbers "KRS 157.100 to 157.180" shall be substituted for "Sections 4421c-2 to 4421-d1 of Carroll's Statutes" in Section one.

By Mr. Brock.

H. B. 44. An Act relating to the issuance of licenses for motor trucks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Before issuing a license for any motor truck the county clerk shall:

(1) Correctly weigh the motor truck and obtain the gross tare;

(2) Obtain the name and address of the owner of such truck; and

(3) Issue the license only after the information obtained in subsections (1) and (2) of this section has been painted upon both the cab and the bed of the truck in large, legible letters and figures.

§ 2. Any clerk who fails to comply with section one of this Act shall, for the first offense, be fined not more than one hundred dollars, and for any subsequent offense he shall be fined not more than five hundred dollars, or imprisoned for not less than six months, or both.

§ 3. (1) No person shall operate a motor truck and no person shall permit a motor truck owned by him to be operated unless the provisions of section one of this Act have been complied with in the licensing of the motor truck.

(2) Any person who violates subsection (1) of this section shall, for the first offense, be fined not more than one hundred dollars or imprisoned for not more than six months, or both; and upon the second or any subsequent offense, he shall be guilty of a felony and fined not more than five hundred dollars or imprisoned for not less than one nor more than five years, or both.

§ 4. Any person who intentionally and for an unlawful purpose alters the information required by section 1 of this Act shall be guilty of a felony and fined not more than one thousand dollars and imprisoned for not less than five nor more than twenty-one years.

§ 5. If the owner of a motor truck or his employe is convicted of an act described in section 4 of this Act the motor truck shall be forfeited and title thereto shall vest in the county in which the person is convicted.

By Mr. Brock.

H. B. 45. An Act relating to the compensation of members and officers of the General Assembly and amending § 1545 of Carroll's Statutes to prevent a change in the com-

pensation of presidential and vice-presidential electors by this Act.

Said bill as as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 2005-1 and 2005-2 of Carroll's Kentucky Statutes, 1936 edition, are amended and consolidated to read as follows:

Each senator and representatives shall received $1,200 per year, payable monthly, and fifteen cents per mile for the necessary travel in going to and returning from the sessions of the General Assembly.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised statutes, be substituted in place of KRS 6.190, and thereafter be treated as an amendment to KRS 6.190 rather than an amendment to §§ 2005-1 to 2005-2 of Carroll's Statutes.

§ 3. Section 2005-3 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

(1) The President of the Senate shall receive fifteen dollars per day while attending the sessions of the Senate.

(2) The Speaker of the House of Representatives shall receive $1,800 per year, payable monthly.

§ 4. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section three of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 6.200, and thereafter be treated as an amendment to KRS 6.200 rather than an amendment to § 2005-3 of Carroll's Statutes.

§ 5. Section 1545 of Carroll's Kentucky Statutes, 1936 edition, is ameded to read as follows:

Each elector of President and Vice President of the United States shall receive ten dollars for each day he attends

the State Capitol as an elector and fifteen cents per mile for necessary travel in going to and returning from the State Capitol.

§ 6. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section five of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 120.030, and thereafter be treated as an amendment to KRS 120.030 rather than an amendment to § 1545 of Carroll's Statutes.

By Mr. Walters.

H. B. No. 46. An Act relating to State Warrants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (a) No state warrant shall be issued, reissued or continued in force if by its issuance, reissuance or continuance in force the total face amount of outstanding state warrants at the time will exceed the sum of Five Hundred Thousand ($500,000) Dollars.

(b) Any state warrant issued, reissued or continued in force in violation of this act shall be considered a debt in excess of the limitations of the Constitution of Kentucky, and shall be void.

(c) This is not intended to, nor shall it be construed so as to invalidate or affect the validity of any state warrant outstanding at the time of the effective date of this act.

Section 2. Since there is immediate need to limit the issuance of state warrants in order to prevent extravagance and unwise borrowing, and it is the intention of the legislature to prevent the issuance of any warrant in violation of this act an emergency is declared to exist and this act shall take effect immediately upon its passage and approval by the Governor.

By Mr. Love.

H. B. 47. An Act providing for the refund of taxes on gasoline used for purposes other than the operation of motor vehicles upon the highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Definitions.* As used in this Act unless the context requires otherwise:

(1) "Gasoline" shall have the same definitions as ascribed to it in subsection (b) of Section 4281g-1.

(2) "Commissioner" means Commissioner of Revenue.

§ 2. Any person who purchases gasoline in quantities of ten gallons or more at a time for use, and actually uses it, for a purpose other than the operation of a motor vehicle upon the highways, on which gasoline the tax has been paid, shall be reimbursed at the rate of five cents per gallon in the manner prescribed in this Act.

§ 3. Before using the gasoline the person proposing to use it shall apply to the Commissioner, upon blanks furnished by the Commissioner, for a refund permit. Applications shall state the use for which the gasoline is to be used, the approximate number of gallons to be used per month, and such other information as the Commissioner requires. If the gasoline is to be used in a gasoline engine, the application shall also state the make and kind of the engine, the serial number thereof, and the purpose for which it will be used. If the gasoline is to be used for a purpose other than the operation of an engine, the application shall state the nature and kind of process in which the gasoline will be used, and the method and manner in which it will be used, stored and kept. In making application for a refund permit, the person making application may combine one or more uses in the same appli-

cation. An application for a refund permit shall be accompanied by a fee of one dollar.

§ 4. If the Commissioner is satisfied that the application is made in good faith and that the gasoline upon which the tax refund is requested is to be used exclusively for purposes set forth in Section 1 of this Act and specified in the application, and that provisions have been made for the storage of the gasoline in a manner prescribed by the Commissioner, so as to segregate it from gasoline for use in vehicles upon the highways, he shall issue to the applicant a refund permit specifying the terms and conditions under which refunds will be made, which refund permit shall expire with the fiscal year in which it is issued. Refund permits issued under this Act shall state the name of the person to whom it is issued, the purposes for which the gasoline upon which tax refunds are to be made is to be used, and the approximate number of gallons expected to be used per month for such purposes. Refund permits shall bear serial numbers and shall not be transferable, nor shall any right or claim for refund under the same be transferable.

§ 5. All claims for refunds under the provisions of this Act shall be filed with the Commissioner on application forms to be prescribed by him, between the first and fifteenth day of January, April, July and October of each year, and at such periods only, and shall cover only gasoline used during the three months immediately preceding the filing of the application. The application shall be accompanied by an invoice from the retail dealer or distributor, issued at the time of purchase of the gasoline and showing the purchase of the number of gallons on which refund is requested, and upon which shall be written or stamped at the time of purchase words showing the use for which the said motor fuel is purchased and that refund will be requested. The application shall be sworn to before a notary public and the notary may charge therefor a fee of not exceeding twenty-five cents.

§ 6. If the Commissioner is satisfied that the gasoline

specified in the application for refund has been legitimately used for the purpose specified in the refund permit issued to the applicant, he shall notify the Department of Finance of the amount of the claim and the Department of Finance shall authorize the Treasurer to pay the claim out of the State road fund.

§ 7. No refund of taxes shall be paid under this Act on gasoline except under a refund permit and to the person named in the refund permit. Taxes refunded on gasoline under any other law shall not also be refunded under this Act.

§ 8. If the Commissioner is satisfied that the holder of any refund permit has violated its conditions, or has collected or sought to collect any refund of taxes upon any gasoline not used in strict accordance with the refund permit, he shall issue notice to the holder to show cause why the refund permit should not be cancelled, which notice shall state a time and place of hearing. If upon the hearing the Commissioner finds that the permit holder has violated the terms of his permit, he shall cancel the refund permit and the holder shall be required to repay all tax or taxes which have been refunded to him under the permit.

§ 9. The Commissioner may, if he doubts the accuracy of the facts set forth in an application for a refund permit or tax refund, refer the matter to an agent of the Department of Revenue who shall make an investigation of all the facts and circumstances relating to the application in the use of the gasoline therein referred to, and shall have a right to have access to the books and records of any retailer or distributor of gasoline for the purpose of obtaining the necessary information concerning such matters, and shall make due report thereof to the Commissioner.

§ 10. Any person making a false return or affidavit for the purpose of securing a refund to which he is not entitled shall be fined not exceeding one thousand dollars, or imprisoned not exceeding one year, or both.

§ 11. If the Kentucky Revised Statutes are enacted at

the present session of the General Assembly, the number "subsection (4)" of KRS 138.210 shall, upon the taking effect of the Kentucky Revised Statutes, be substituted for "subsection (b) of Section 4281g-1" in subsection (1) of section one of this Act.

By Mr. Walden.

H. B. 48. An Act to change and fix the time of terms of court in the 10th Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1 of Chapter 50 of the Acts of 1940 is amended to read as follows:

BARREN COUNTY, at Glasgow, first Monday in January, twelve juridical days; third Monday in April, eighteen juridical days; first Monday in September, eighteen juridical days.

HART COUNTY, at Munfordville, third Monday in January, twelve juridical days; second Monday in May, twelve juridical days; fourth Monday in September, twelve juridical days.

LaRUE COUNTY, at Hodgenville, first Monday in February, twelve juridical days; fourth Monday in May, twelve juridical days; second Monday in October, twelve juridical days.

NELSON COUNTY, at Bardstown, third Monday in February, twelve juridical days; second Monday in June, twelve juridical days; fourth Monday in October, twelve juridical days.

METCALFE COUNTY, at Edmonton, fourth Monday in March, six juridical days; first Monday in July, twelve juridical days; second Monday in November, twelve juridical days.

BULLITT COUNTY, at Shepherdsville, first Monday in April, twelve juridical days; third Monday in July, twelve juridical days; fourth Monday in November, twelve juridical days.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection 10 of KRS 23.050, and shall thereafter be treated as an amendment to subsection 10 of KRS 23.030 rather than an amendment to Chapter 50 of the Acts of 1940.

§ 3. Due to the fact that the terms of the several courts herein are too short to take care of the business therein pending and in order to facilitate more speedy dispatch of legal business, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. Rhoads.

H. B. 49. An Act relating to education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any school district which transports school children as authorized by law shall provide such transportation by a tax for that purpose as provided herein.

Boards of education are hereby authorized to pay for the transportation of school children who live within their school districts from the income of a levy made annually on the taxable property within the school district. Said levy shall not exceed twenty-five cents (25¢) on each one hundred dollars ($100.00) of taxable property as valued in the assessment for local school purposes next preceding the levy of the tax. Any board of education which does not receive sufficient income from said twenty-five cent (25¢) levy to pay for an

adequate and safe program of transportation, and which pays its teachers a minimum salary of six hundred dollars ($600.00) per year, may pay from its income from other sources any costs of transportation which exceed its income from said twenty-five cent (25¢) levy.

Upon approval of the State Board of Education, boards of education are hereby authorized to pay for the transportation of school children from funds received from sources other than the income from the tax provided herein when, in the judgment of said boards of education, conditions are such that it does not appear to be practicable or desirable to levy a district tax as provided in this act. Before the State Board of Education may approve payment of funds from other sources for said transportation, said boards of education shall present to the Superintendent of Public Instruction such facts as he may require showing that it is not practicable or desirable to pay for transportation by said levy.

By Mr. Wagner.

H. B. 50. AN ACT relating to city streets, viaducts and bridges, that constitute the route of connection between or extension of state roads in the state highway system, and providing for the construction and maintenance of same by the state.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is hereby expressly recognized and declared that city streets, or portions thereof, viaducts and bridges, that constitute the route of connection between or extension of State roads in the State Highway System serve a State purpose, and are for the general benefit of the State; that it is a proper and legitimate State function and expense to designate such connecting link streets as part of the State

Primary Road System and to undertake, and provide the cost, of maintenance, repair, construction and reconstruction of same.

Section 2. The Department of Highways, not later than July 1, 1942, shall designate such streets, viaducts and bridges as are the connecting link streets in each city, and thereafter the Department of Highways shall designate any additional city streets it deems necessary to produce an adequate system of State highways. The Department of Highways shall keep a record of such city streets so designated, and forthwith shall furnish to each city a statement of the streets so designated in such city.

Section 3. From and after July 1, 1942, the Department of Highways shall maintain and repair, under its control and supervision, such designated connecting link streets, make appropriations and expenditures out of its funds for such purpose; and may enter into any and all contracts, inclusive of agreements with cities, and with any Federal Agency of the United States of America authorized and empowered so to do, for such purpose. Provided nothing herein contained shall require the Department of Highways to sweep, sprinkle, light or police the city connecting link streets.

Section 4. The Department of Highways whenever it constructs or reconstructs any State road which enters or passes through any city, shall construct or reconstruct the city connecting link of such road in no lower type of construction than used in such road but the Department of Highways need not remove or relay any underground sanitary sewers or gas or water mains, or other similar public utility.

Section 5. The Department of Highways may provide, establish and maintain signs and markers, for assistance in the regulation of traffic upon such designated city connecting link streets.

No new electric traffic signals shall be installed on designated streets without the approval of both the city and the

Department of Highways, and wherever additional electric traffic signals are mutually agreed upon the cost of the fixtures and installation shall be borne by the Department of Highways. The city shall provide maintenance of all new, as well as of all present electric traffic signals. Removal of existing electric traffic signals that are not deemed necessary, shall be done by mutual agreement between the city and the Department of Highways.

Section 6. Any city or person who enters upon such designated city connecting link streets, or the rights of way thereof, for the purpose of laying conduits, pipes, poles, or wires therein, thereon or thereunder or make any obstruction thereon or any excavation thereunder, which necessitates any change in the condition or structure thereof, shall do so as provided by regulations precribed by the Department of Highways. The Department of Highways may prescribe rules and regulations for the protection of city connecting link streets, under which such work shall be done, and require indemnity for any damage occasioned by work done under the regulations.

Section 7. If the governmental authorities of the city desire that the parts of the state primary road passing through the city he constructed different from that outside the city so that the expense per lineal mile is greater for the road inside the city, they may agree with the Department of Highways for the construction of such road.

Section 8. Section 4356t-8 of Carroll's Kentucky Statutes, 1936 edition is hereby repealed.

Section 9. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section (8) of this Act shall be treated as repealing KRS 177.040, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Simpson.

H. Res. 5. A JOINT RESOLUTION AUTHORIZING Louis F. Graham of Owensboro, Daviess County, Kentucky, TO SUE THE COMMONWEALTH OF KENTUCKY:

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Louis F. Graham is authorized to sue the Commonwealth of Kentucky in the Davies Circuit Court for damages resulting from personal injury (and property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $500.00.

The Attorney General of the Commonwealth of Kentucky may invesigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. May.

H. Res. 6. A JOINT RESOLUTION authorizing Willie Whitt, John Wheeler, sole owner and operator of Wheeler Motor Campany and Williams and Nickell Oil Company, a

corporation, to jointly or separately sue the Commonwealth of Kentucky and the Department of Highways:

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Willie Whitt, John Wheeler, sole owner and operator of Wheeler Motor Company and Williams and Nickell Oil Company, a corporation, are authorized to sue the Commonwealth of Kentucky in Elliott Circuit Court for damages resulting from property damage caused by allegel negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit by Willie Whitt not to exceed the sum of $500.00; said suit by John Wheeler as sole owner and operator of Wheeler Motor Company not to exceed the sum of $300.00; and said suit by Williams and Nickell Oil Company not to exceed the sum of $250.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claims against the Commonwealth herein and settle said claims before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the general fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this reesolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Walters.

H. Res. 7. A JOINT RESOLUTION authorizing Mayme Sechrest Chandler to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Mayme Sechrest Chandler is/are authorized to sue the Commonwealth of Kentucky in Jefferson Circuit Court for damages resulting from personal injury or (property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $2,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolutions be printed and referred.

Mr. Faust Y. Simpson of the Committee on Education No. 1 to which the same had been previously referred, reported a bill entitled:

H. B. 2. An Act relating to public education.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

The Speaker announced that he had referred bills previously introduced, as follows, viz.:

H. B. 19, to Committee on Agriculture No. 1.

H. B. 20, to Committee on Kentucky Statutes No. 1.

H. B. 21, to Committee on Cities of Second Class.

H. B. 22, to Committee on Alcoholic and Liquor Control No. 1.

H. B. 23, to Committee on Cities of Second Class.

H. B. 24, to Committee on Cities of Second Class.

H. B. 25, to Committee on Cities of Second Class.

H. B. 26, to Committee on Kentucky Statutes No. 1.

H. B. 27, to Committee on Kentucky Statutes No. 1.

H. B. 28, to Committee on Agriculture No. 1.

H. B. 29, to Committee on Education No. 1.

H. B. 30, to Committee on Kentucky Statutes No. 1.

H. H. 31, to Committee on Revenue and Taxation No. 1.

H. B. 32, to Committee on County and City Courts.

H. B. 33, to Committee on Constitutional Amendments.

H. B. 34, to Committee on Revenue and Taxation No. 1-A.

H. B. 35, to Committee on Kentucky Statutes No. 1.

H. B. 36, to Committee on Kentucky Statutes No. 1.

H. B. 38, to Committee on Agriculture No. 1.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 4. An Act relating to the Legislative Council.

H. B. 5. An Act providing for special police during the National Emergency.

H. B. 7. An Act relating to obligations of Rural Electric cooperative corporations.

H. B. 8. An Act relating to the periods within which civil actions shall be commenced.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Mr. Ward moved that the Rules of this House be suspended for the purpose of introducing a resolution.

Said motion was agreed to.

Thereupon Mr. Ward of the Committee heretofore appointed by the Speaker to draft suitable resolutions on the death of The Honorable Joe E. Robinson, offered the following resolution, viz.:

Resolution on the death of The Honorable Joseph E. Robinson of Garrard County.

Be it Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

That, Whereas, Divine Providence has called in death Joseph E. Robinson, a Member of this House of Representatives, and the duly elected Floor Leader of this body for the existing session, we herewith express to the members of his immediate family and all his friends everywhere our deep sympathy and sense of love.

He served in this House through three legislative terms and was elected representative of his county for the ensuing session. During his legislative years many learned to love and admire him. His ability was of the highest type; and as a man, a public servant, and a citizen of this Commonwealth he always stood at the post of duty. Our memory of him as a friend will last long and our appreciation of his work as a Legislator will continue.

Said resolution was unanimously adopted.

Ordered that the Chief Clerk of the House transmit copies of said resolution to the members of the family of the late Joseph E. Robinson.

Mr. Ward moved that the House do now recess for one hour.

Said motion was agreed to.

And then the House recessed.

One hour having expired, the Speaker resumed the Chair and called the House to order.

Mr. Ward moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Moore of the Committee on Appropriations No. 1.

H. Res. 4. Resolution providing for the purchase of five hundred and fifty copies of the Kentucky Directory.

By Mr. Wagner of the Committee on Cities of the Second Class.

H. B. 21. An Act relating to the embezzlement, conversion, misappropriation or misapplication of the sinking fund in cities of the second class.

By Mr. Walters of the Committee on Agriculture No. 1.

H. B. 16. An Act relating to larceny.

H. B. 19. An Act relating to Cooperative Marketing Associations.

By Mr. Ward of the Committee on Kentucky Statutes No. 1.

H. B. 27. An Act relating to State warrants.

H. B. 46. An Act relating to State Warrants.

With the expression of opinion that said bills and resolution ought to pass.

Said bills and resolution were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Ward moved that the Rules of this House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

Thereupon the following bills and resolution were introduced, viz.:

By Mr. Mefford.

H. Res. 8. A Joint Resolution authorizing Charles B. Christian, Mrs. Charles B. Christian, William D. Kelley and Mrs. W. D. Kelley to sue the Commonwealth of Kentucky.

Said Resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Charles B. Christian, Mrs. Charles B. Christian, William D. Kelley and Mrs. W. D. Kelley is/are authorized to sue the Commonwealth of Kentucky in Franklin Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $2,500.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Walden.

H. B. 51. An Act relating to crimes and punishment.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 1194 and 2739g-58 of Carroll's Kentucky Statutes, 1936 edition, are consolidated into one section and amended to read as follows:

(1) Any person guilty of larceny of money or other property of the value of twenty dollars or more shall be confined in the penitentiary for not less than one nor more than five years.

(2) Any person who unlawfully takes, drives or operates a vehicle without the knowledge and consent of the owner shall be punished as provided in subsection (1) of this section.

(3) Any person who unlawfully takes any part or accessory of a motor vehicle with intent to convert it to his own use, without the consent of the owner, whether or not such part or accessory is attached to a motor vehicle and regardless of the value of the part or accessory, shall be confined in the penitentiary for not less than two nor more than ten years.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 433.220, and shall thereafter be treated as an amendment to KRS 433.220 rather than an amendment to §§ 1194 and 2739g-58 of Carroll's Statutes.

By Mr. Brock.

H. B. 52. An Act to provide for licensing the carrying of deadly weapons.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Except as provided in section five of this Act, no person shall, without a state license therefor, carry about his person any revolver or other pistol, dirk, bowie, knife, sling shot, razor, billy, metallic or other false knuckles, or other dangerous or deadly weapon of like kind or character, or any article planned and made for use as a weapon, or readily adaptable as such being likely to produce death or serious bodily injury.

§ 2. Any person who violates section one of this Act shall be confined in the county jail not less than six nor more than twelve months for the first offense; upon the conviction of the same person for the second or any subsequent offense, he shall be guilty of a felony and confined in the peni-

tentiary not less than one nor more than five years, and, in either case be fined not less than fifty nor more than two hundred dollars. The prosecuting attorney in all cases shall ascertain whether or not the charge made by the grand jury is the first or a subsequent offense, and if it is a subsequent offense, it shall be so stated in the indictment returned, and the prosecuting attorney shall introduce the record evidence before the trial court, and shall not be permitted to use his discretion in charging such subsequent offense nor in introducing evidence to prove the same on the trial.

§ 3. Any person desiring to obtain a state license to carry a deadly weapon for which a license is required by section one of this Act, shall first publish a notice in one issue of some newspaper published in the county in which he resides, setting forth his name, residence and occupation, and that on a certain day, which must be ten or more days thereafter, he will apply to the circuit court of his county for such state license. At the time stated in such notice the applicant shall file with the court an affidavit stating:

(a) That the applicant is a citizen of the United States of America;

(b) That the applicant has been a bona fide resident of this state for at least one year next prior to the date of his application, and of the county sixty days next prior thereto;

(c) That the applicant is over twenty-one years of age; that he is a person of good moral character, of temperate habits, not addicted to intoxication, and has not been convicted of a felony or any offense involving the use on his part of such weapon in an unlawful manner;

(d) The particular type of weapon for which application is made; and

(e) The purpose for which the applicant desires to carry such weapon, the necessity therefor, and the county or counties in which such license is desired to be effective.

§ 4. Upon the filing of application the court shall hear

evidence upon all matters stated in such application and upon any other matter deemed pertinent by the court. If the court is satisfied from the proof that there is good reason and cause for the applicant to carry such weapon, and that all of the other conditions of this Act have been complied with, the court, may grant such license for such purposes, and no other, as such court shall set out in the licenses granted. Before the license shall be effective the applicant shall pay to the sheriff, and the court shall so certify in its order granting the license, the sum of twenty-five dollars, and shall also file bond with the clerk of the court, in the penalty of three thousand dollars, conditioned that the applicant will not carry such weapon except in accordance with his application and as authorized by the court, and that he will pay all costs and damages accruing to any person by the accidental discharge or improper, negligent or illegal use of such weapon. Any such license granted shall be good for one year, unless revoked, and be coextensive with the county in which granted, and such other county or counties as the court shall designate in the order granting such license. All license fees collected hereunder shall be paid into the State.

§ 5. (1) Nothing in this Act shall prevent any person from carrying any such weapon as is mentioned in section one of this Act, in good faith, upon his own premises; nor shall anything herein prevent a person from carrying any such weapon, unloaded, from the place of purchase or repair to his home or residence, or from his home or residence to a place for repairs; nor shall anything herein prevent a bona fide member of the Army of the United States, or of the National Guard of Kentucky, or of the Active Militia of Kentucky, or of the Reserve component of the United States Army, while in performance of his official duties as such or any properly organized target shooting club from carrying any revolver or pistol mentioned in this Act, unloaded, from his home or residence to a place of target practice, and from

any such place of target practice back to his home or residence.

(2) Nothing in this Act shall prevent agents, messengers, special police, and other employes of companies doing business as common carriers, whose duties require such agents, messengers, special police, and other employes to have the care, custody or protection of money, valuables and other property for such companies, from carrying any such weapon while actually engaged in such duties, or in doing anything reasonably incident to such duties;

(3) Nothing in this Act shall be so construed as to prohibit sheriffs, their regularly appointed deputies, constables, and all regularly appointed police officers of their respective cities, towns or villages, all jailers and game wardens, all State Patrolmen and County Patrolmen, from carrying such weapons as they are now authorized by law to carry.

(4) In case of riot, public danger or emergency, a sheriff may authorize a deputy or posse to carry revolvers, pistols or other deadly weapons of like kind. Such authorization must be in writing and verified and filed with the county clerk along with a list of the names of those persons so authorized. The sheriff shall authorize such deputies and posses to carry weapons in good faith and only for the specific purposes and time named in the writing.

§ 6. Any circuit Court may, for any cause it deems sufficient, revoke any license granted by that court authorizing any person to carry a deadly weapon. Immediate notice of the revocation shall be given the license and no person whose license has been so revoked shall be relicensed within one year thereafter unless the court revoking such license, after hearing, sooner reinstate such license.

By Mr. McDevitt.

H. Res. 10. Resolution to pay Mrs. Louis B. Dugan the

per diem allowance of her deceased husband, the late Louis B. Dugan.

Said resolution is as follows, viz.:

WHEREAS, the late Louis B. Dugan was elected to the House of Representatives of this General Assembly at the general election in November, 1941, from the 56th legislative district, being in Jefferson County, and

WHEREAS, the said Louis B. Dugan was elected for a term of two years and before being able to take the oath of office died suddenly on December 18, 1941, and

WHEREAS, the said Louis B. Dugan had gone through a long, heated election, and

WHEREAS, if he had been permitted to take the oath of office and serve during this term of the General Assembly he would have received as per diem or salary the sum of seven Hundred Fifty ($750.00) Dollars as a member of the General Assembly, and

WHEREAS, it has heretofore been the custom and precedent set by the General Assembly to allow the widow or the dependents of the deceased member of the General Assembly his per diem or salary that he would have received had he attended the session, and

WHEREAS, the deceased spent considerable time and money in his campaign for nomination and election as aforesaid, and

WHEREAS, his widow, Mrs. Louis B. Dugan, is now obligated for and will be compelled to pay certain debts and obligations created by the said Louis B. Dugan, much of which was created while and due to his making the race for member of the General Assembly as aforesaid, and

WHEREAS, the said widow, Mrs. Louis B. Dugan, needs an allowance for her support and maintenance.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That there is hereby appropriated out of the legislative session fund the sum of Seven Hundred Fifty ($750.00) Dollars to be paid to Mrs. Louis B. Dugan, widow of Louis B. Dugan, and the Commissioner of Finance is hereby directed to draw his warrant upon the Treasurer in favor of the said Mrs. Louis B. Dugan for the sum of Seven Hundred Fifty ($750.00) Dollars.

Ordered that said bills and resolutions be printed and referred.

Mr. Stephenson offered the following resolution, viz.:

H. Res. 9. Whereas, the poet would make the whole world a democracy, the essence of poetry being the heart of man and its aim to proclaim the dignity of all mankind, and

Whereas, the poets of Kentucky have done and still do much to elevate the thought of mankind, and

Whereas, some of their writings have immortalized Kentucky throughout the civilized world, and

Whereas, the essential purpose of Kentucky Poetry Day is to honor and give recognition to Kentucky poets, to promote the study and appreciation of poetry, and to encourage creative talent in this field, and

Whereas, Kentuckians at all times are delighted to honor their men and women who have achieved distinction in any calling or endeavor, now therefore

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor of the State of Kentucky is hereby authorized to designate the seventh day of April to be set apart and to be observed annually as Kentucky Poetry Day, to honor and preserve the memory of the poets of Kentucky. This day shall be observed with suitable exercises by the citizens of the Commonwealth and by the study and special

observance of poetry in the public schools of the State according to such program as may be outlined by the Superintendent of Public Instruction.

Said resolution was adopted.

Mr. Freeman moved that Master Tommy Mayfield, son of the Assistant Secretary of State be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Ward moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 14, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend C. W. Grant of the First Methodist Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson, Jr.	Rell Bevins	Oris Cooper
George P. Anderson	Douglas T. Bolling	M. A. Cornett
Henry Arrowood	H. M. Brock, Jr.	John Henry Cox
William F. Ball	Gus A. Brooks	Rev. W. W. Crouch
Robert E. Barry	Sherman E. Carter	Guthrie F. Crowe
W. T. Beard	C. L. Clayton	Pink G. Curd
Robert E. Beatty	T. Fowler Combs	Dr. J. A. Duff

Forest C. Easley	Cary McDevitt	Dr. M. M. Robinson
Harry W. Ennis	Norris McPherson	Byron H. Royster
John D. Fields	Dr. Wm. C. Mann	Dr. K. N. Salyer
T. P. Fitzpatrick	Ed. Marcum	Carl Scheben
W. W. Freeman	C. C. May	Leon J. Shaikun
Joseph J. Grace	J. Milton Mefford	Faust Y. Simpson
P. Bert Hall	Sam Milam	Otto Smither
A. G. Hamilton, Jr.	D. J. Moore	Charles L. Spilman
Fuller Harding	J. Lee Moore	James D. Stacey
E. R. Hilton	L. D. Moore	J. Claude Stacy
Clyde S. Howard	C. E. Montgomery	R. C. Stephenson
Jerry F. Howell	F. E. Morancy	Thomas M. Swope
Chas. O. Humston	E. R. Morlidge	C. W. Taylor
W. H. Hunt	C. Sid Nabb	Egbert Taylor
Joe B. Jarboe, Jr.	Coy Nevitt	Roy L. Taylor
Crow Jarvis	Robert Nicholas	Rev. H. Tinsley
William L. Jones	H. C. Patterson	Erna E. Tyra
John S. Juett	B. W. Porter	S. J. Wagner
W. A. Lamkin	Kleber F. Price	C. R. Walden
H. W. Linville	James E. Quill	Harry Walters
A. L. Love	L. Allen Rhoads	H. A. Ward
William Lovett	Dr. J. J. Rice	Henry Ward
Hugh D. Lyon	Wade H. Riley	H. L. Waterfield

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Ward moved that the two Committees selected by lot to hear contests filed in this House, be authorized to agree that necessary expenses incurred in the handling of the contests will be paid.

Mr. McPherson moved that the motion as made by Mr. Ward be amended to include the payment of attorney's fees.

Without objection, the amendment as offered by Mr. McPherson, was withdrawn.

The motion as made by Mr. Ward was then agreed to.

Mr. Walden moved that a leave of absence be granted to Mr. Brock.

Said motion was agreed to.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Carter.

H. B. 53. An Act relating to superintendents of school district, assistant superintendents, school teachers and officers and board of education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (a) At the regular November election held in November 1942, and every four years thereafter, there shall be elected in each county school district in this state a superintendent of public schools who shall assume office on the first Monday in January of the following year and hold office for a period of four years and until his successor has been elected and qualified.

(b) No person shall be eligible for the office of superintendent of the county school district who does not, at the time of his election, hold a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of scholarship, administration and supervision, issued in accordance with the provisions of law, and which qualifies him to hold the position to which he may be elected, and he shall hold such a certificate throughout his term of office, nor shall he be eligible to such office unless, at the time of his election, he is twenty-four years of age or over, and has been a resident of this state at least one year.

(c) Voters in independent graded school districts which are maintained separately and distinct from the common schools of the county, which said independent graded school districts are embraced, in whole or in part, in any city of any class, or otherwise, shall not be eligible to vote in an election for county school district superintendent.

(d) The names of candidates for county school district superintendent shall be on a separate sheet from all other ballots used in any election, except that they may be on the same sheet on which the names of candidates for the Board of Education appear. The county clerk shall cause to be printed on said ballot the names of all candidates for superintendent, in whose behalf he is petitioned to do so in writing by not less than four hundred persons of the county qualified to vote for the superintendent. The petition must be filed in the office of the county clerk not more than one hundred and twenty days and not less than thirty days before the day of election, and each petition must be signed by the requisite number of qualified voters of the county and shall show the place of residence of each person signing it. No person shall sign more than one such petition.

§ 2. Each board of education for an independent graded school district shall appoint a superintendent of schools whose term of office shall begin on July 1 following his appointment. The appointment may be for a term of one, two, three or four years. In the case of a vacancy in the office for an unexpired term, the board of education shall make the appointment so that the term will end on June 30. Before any superintendent for an independent graded school district assumes his duties he shall present to the board of education that elected him, a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision, issued in accordance with the provisions of law, and which qualifies him to hold the position to which he has been elected, and he shall hold such certificate throughout the period of his employment.

§ 3. (a) The board of education of every school district shall fix the salary of the superintendent at not less than $1,200. per annum to be paid in monthly installments.

(b) A superintendent of schools may be removed for cause by a vote of four members of a board of education. Written notice setting out the charges for removal shall be spread on the minutes of the board and given the superintendent fifteen days before action is taken on his removal.

§ 4. Each board of education may, on the nomination of the superintendent of schools, appoint as many assistant superintendents as it deems necessary, whose compensation shall be fixed by the board and who may be removed for cause by the superintendent, with the approval of three members of the board.

§ 5. The superintendent shall be the executive agent of the board that appoints him and shall meet with the board except when his own tenure, salary, or the administration of his office is under consideration. As executive officer of the board, the superintendent shall see that the laws relating to the schools, the bylaws, rules and regulations of the State Board of Education, and the regulations and policies of the district board of education are carried into effect. He may administer the oath required by the board of education to any teacher or other person. He shall be the professional adviser of the board in all matters, except as provided in § 4399-37 of Carroll's Kentucky Statutes. He shall prepare, under the direction of the board, all rules, regulations, bylaws and statements of policy for approval and adoption by the board. He shall have general supervision, subject to the control of the board of education, of the general conduct of the schools, the course of instruction, the management of teachers, the discipline of pupils, and the management of business affairs, except as provided in § 4399-37 of Carroll's Kentucky Statutes.

§ 6. Except as provided in §§ 4399-9 and 4399-37 of Carroll's Kentucky Statutes, all appointments, promotions,

transfers and dismissals of principals, supervisors, teachers and other public school employees shall be made only upon the recommendation of the superintendent of schools, subject to the approval of the board. If the board of education cannot agree with the superintendent as to any legally qualified person recommended by the superintendent, the board of education may appeal to the State Board of Education to review the case and the decision of the State Board of Education shall be final. All employees of the board shall have such qualifications as are prescribed by law and by the regulations of the State Board of Education and of the employing board. The superintendent may suspend any teacher or other employee for cause deemed by him sufficient, and the board of education shall take such action upon the restoration or removal of such person as it deems proper. Supervisors, principals, teachers and other employees may be appointed by the board of education for any school year at any time after April 1 next preceding the beginning of the school year. Supervisors, principals and teachers shall not be employed for a period longer than a year.

§ 7. (1) The superintendent of schools may appoint necessary clerks, and may remove them at pleasure. The number and salaries of the clerks shall be determined by the board.

(2) The superintendent shall devote himself exclusively to his duties. He shall exercise general supervision of the schools of his district, examine their condition and progress, and keep himself informed of the progress in other districts. He shall prepare or have prepared all budgets, salary schedules and reports required of his board by the State Board of Education. He shall advise himself of the need of extension of the school system of the district, he shall receive and examine reports from teachers and other school officers, and shall make reports from time to time as required by the rules of his board or as directed by the board. He shall be responsible to the board for the general condition of the schools.

§ 8. An outgoing superintendent shall, before his last month's salary is paid, make all reports required by law to date of his retirement and shall have information assembled to date of his retirement for any reports to be made by the incoming superintendent.

§ 9. Any superintendent who violates any of the provisions of this Act shall be fined not less than one hundred nor more than one thousand dollars for each offense, and the violation is grounds for revocation of his certificate.

§ 10. § 4399a-10a of Carroll's Kentucky Statutes, 1936 edition, is repealed. § 4399-34 of Carroll's Kentucky Statutes is repealed as of January 1, 1943, and in so far as the provisions of this Act conflict with § 4399-34 the provisions of this Act shall govern prior to January 1, 1943.

§ 11. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, §§ 4 to 9 of this Act shall stand repealed; § 3 of this Act shall replace KRS 160.350; and KRS 160.360 to 160.400 and 160.990 (3) shall not be affected by this Act, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Salyer.

H. B. 54. An Act to amend an Act entitled: "An Act to provide an elective system of Workmen's Compensation for Industrial Accidents," and known as Chapter Thirty-three of the Acts of the General Assembly of the Commonwealth of Kentucky, approved by the Governor on March 23, 1916, and being Chapter Thirty-three, page 354 of the Acts of the General Assembly of Kentucky, and amendments thereto; and providing that when an employee who has been awarded disability compensation, shall die prior to the payment to him of the amount of the award, then the dependents of the deceased employee shall be allowed and paid all future and allowed and uncollected awards so made to such employee.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That "An Act to provide an elective system of Workmen's Compensation for Industrial Accidents," and known as Chapter Thirty-three of the Acts of the General Assembly of the Commonwealth of Kentucky, approved by the Governor on March 23, 1916 and the amendments thereto, be amended and the following added thereto:

Section 2. That when an employee, who have been awarded disability compensation by the Workmen's Compensation Board, shall die prior to the payment to him of the amount of the award, then the dependents of the deceased employee shall be allowed and paid all allowed and unpaid awards made to such employee.

Section 3. Provided, however that the dependents of such deceased employee shall, within sixty days after the death of such employee, file with the Workmen's Compensation Board, in such form as the Board may require, a written, verified application, stating therein the date of the death of such deceased employee; the amount of such allowed and uncollected award; the names, ages, post-office address, and the relation of each of said dependents to the deceased. Thereupon the Workmen's Compensation Board shall notify in writing the Company, person or Insurance Carrier against whom such award was made; and shall fix a time and place for a hearing of which notice shall be given to determine the dependability of those making such claim; and shall make an award or order for the benefit of those found to be entitled thereto.

Provided, however, that the number of weekly payments to be paid to the dependents shall be the number of weeks remaining after deducting the number of weekly payments made to the decedent from the number of weeks allowed in the original award.

Section 4. That all laws and parts of laws in conflict herewith are hereby repealed.

By Mr. Tyra.

H. B. 55. An Act relating to Taxation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all coin-operated mechanical music devices shall be taxed as follows:

(1) All single devices Ten ($10.00) Dollars each per annum;

(2) All machines having more than one coin control Two ($2.00) Dollars per each control box in addition to the original tax of Ten ($10.00) Dollars on the mechanical music device.

§ 2. The Department of Revenue of the Commonwealth of Kentucky shall have control of the enforcement of this Act, and shall provide the method of collecting the tax. The funds derived therefrom shall be divided equally between the general fund of the Commonwealth of Kentucky and the Old Age Pension Fund.

§ 3. Any person, firm or corporation failing or refusing to pay the tax herein provided for, on or before the 1st day of July of each year, shall be fined not less than Ten ($10.00) Dollars, nor more than One Hundred ($100.00) Dollars.

By Mr. Beatty.

H. B. 56. An Act to regulate charges made by banks and trust companies and fixing the penalty for violations thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No bank or trust company doing business in this state shall, make any charge against the account of any depositor for cashing check or checks, make any service charge of any kind against any depositor because the depositor's account is below any certain amount, or make any service charge for returning a check for insufficient funds or for any other reason.

§ 2. Any bank or trust company that violates any of the provisions of this Act shall be fined not less than $25.00 nor more than $100.00, and each and every violation of this Act shall constitute a separate offense.

By Mr. Barry.

H. B. 57. An Act pertaining to the covenants of county officers; surety bond; and premium to be paid by the county.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All elective or appointive county officers who, upon assuming their respective offices, are required under the law to execute a bond for the faithful discharge and performance of their duties, and who shall have such bond executed by any incorporated surety company authorized to do a surety business in the State of Kentucky, shall pay the premium on such bond, and the amount paid for such premium shall be and become a valid claim against the county, except where the law provided that it be paid by the state, and shall be paid in the same manner as other claims are paid. In each case in which a claim is made for the payment of premium on the bond executed as above set out, the officer executing the bond as principal shall verify the claim by his affidavit.

By Mr. Crowe.

H. B. 58. An Act relating to diseased livestock.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 63c-13 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

DUTIES OF BOARD; ENFORCE LAW; ADOPT REGULATIONS; INVESTIGATIONS; LITERATURE; QUARANTINES; SANITARY MEASURES; EMPLOY NECESSARY ASSISTANTS AND FIX THEIR SALARIES; ENTRY ON PRIVATE PREMISES.—That the Board is hereby charged with the enforcement of the provisions of this Act, and it shall be the duty of said Board to adopt and enforce such measures as it may deem necessaary to improve and protect the livestock industry of this State, and to prevent, suppress, control, and eradicate any communicable disease of livestock; to investigate the prevalence of communicable diseases in livestock upon receipt of reports of same; to issue such circulars, pamphlets, bulletins or other literature as it may deem necessary for public distribution; to give information and instruction to farmers, breeders, and feeders of livestock in the nature, cause, prevention, and control of communicable diseases; to regulate the importation, sale, use, and distribution of biological, chemical or other products, substances or materials used in the diagnosis, treatment or prevention of livestock diseases, to receive and receipt for all moneys receivable from licenses provided for in this Act; and for the purpose of carrying out the provisions of this Act the Board is hereby authorized and empowered to cooperate with the Kentucky Agricultural Experiment Station in conducting the necessary scientific investigations relating to the cause, nature, prevention, and treatment of communicable diseases in livestock; to establish, maintain and enforce such quarantine and other measures as it may deem necessary in controlling the movement

of livestock, into, through or within the State; to order and enforce the cleaning and disinfection of premises and all articles and materials by which communicable diseases may be transmitted, and the destruction of diseases and exposed animals and all such property and materials as may be necessary in the eradication of disease; to adopt, issue, and enforce such rules and regulations as it may deem necessaary in preventing the spread of communicable diseases; to print, or to have printed, such circulars, pamphlets, bulletins or other literature as may be necessary, and to distribute same; to regulate the importation, sale, use, and distribution of biological, chemical or other products, substances or materials used in the diagnosis, treatment or prevention of livestock diseases when the provisions of the Kentucky Statutes, Section 63c-10 of this Act have been complied with; to employ the necessary scientific, field, stenographic, and clerical assistants and to fix their salaries.

Subsection a. Whenever the Board may consider it necessary to employ the services of veterinarians in any part of the State for the purpose of carrying out the provisions of this Act, they may be employed and shall be paid not to exceed ten dollars per diem and their necessary traveling and other expenses incurred while engaged in the discharge of their official duties.

Subsection b. The Board, or any of its members, representatives, agents or employees, are empowered to enter premises, public or private, for the purpose of making the necessary inspections, or in any way enforcing the provisions of this Act, and when necessary to call upon the sheriff, his deputies, constables, police, or other officers for assistance in enforcing the law, rules, and regulations; and it shall be the duty of such officers to render such assistance when ordered so to do by the Board, or any of its members, representatives, agents or employees.

Subsection c. Any person who shall violate any ruling of the Board, or who shall hinder or hamper any agent of the

Board in carrying out the duties assigned to him, or any officer who refuses to enforce the provisions of this Act when called upon by the Board to do so, or any other person who in any way attempts to hinder or obstruct the Board in carrying out the provisions of this Act, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than $25.00 nor more than $100.00 for each offense.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

KRS 257.270 shall be amended to read as follows:

The Board may employ veterinarians for the purpose of carrying out the provisions of this chapter. The veterinarians shall be paid not more than $10.00 per diem and their necessary expenses incurred in the discharge of their official duties

A new subsection shall be added to KRS 257.990 which shall read as follows:

Any person who violates any ruling of the Board or who hinders any agents of the Board in carrying out the duties assigned to him, or any officer who refuses to enforce the provisions of this chapter when called upon by the Board to do so, or any other person who in any way attempts to hinder or obstruct the Board in carrying out the provisions of this chapter shall be fined not less than $25.00 nor more than $100.00 for each offense.

§ 3. The repeal of section one of this Act as provided in section 2 shall not affect any section of the Kentucky Revised Statutes except as indicated in section 2.

By Mr. Fitzpatrick.

H. B. 59. AN ACT relating to city streets, viaducts and bridges, that constitute the route of connection or extension

of state roads in the state highway system, and providing for the construction and maintenance of same by the state.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (a) It is hereby declared that city streets or portions thereof including viaducts and bridges, over which State and Federal highways are routed or which serve as connecting links to State and Federal Highways, passing through cities are a necessary and integral part of the State Highway System of roads and that said streets serve a state purpose and are for the general benefit of the State, and that the maintenance of said streets is a proper and legitimate State function.

(b) When such streets have been designated by the Commissioner of Highways as a necessary part of the connecting links of the State Primary Road System as hereinafter provided, the future maintenance, repair, construction and reconstruction of such streets shall be done by the Department of Highways as is now provided by law for the maintenance of other roads in the State Primary Road System.

§ 2. The Commissioner of Highways on and after July 1, 1942 may designate such city streets or portions thereof, including viaducts and bridges, as in his discretion are connecting links of State or Federal maintained highways or that he may in his discretion determine to be necessary feeder streets and necessary to produce an adequate system of highways. The Department of Highways shall prepare and cause a record of such city streets so designated and upon each such designation he shall furnish to each city a statement of the streets so designated in that city.

§ 3. On and after July 1, 1942, the Department of Highways may maintain and repair, construct and reconstruct under its control and supervision such city streets so

designated by the Commissioner of Highways, and may make appropriations and expenditures out of its funds for such purposes. The Department may enter into any and all contracts inclusive of agreements with cities and with any Federal agencies authorized so to do for such purpose. Nothing in this Act, shall require or authorize the Department of Highways to sweep, sprinkle, light or police said designated city streets.

§ 4. (1) Whenever the Department of Highways shall hereafter construct or reconstruct any State road which passes through any city, it shall construct or reconstruct the street through the city in no lower type or construction than that used in the construction of the road at the point where it enters the city or at the point where it leaves the city. Whenever any city street is constructed, reconstructed or repaired under the provisions of this Act, the Department of Highways need not remove or relay any under ground sanitary sewers, gas or water mains or other similar public utilities.

(2) If a street is constructed or reconstructed under the provisions of this Act, the plans and specifications for the construction or reconstruction of the street shall be submitted to the proper authorities of the city and shall be approved by the authorities of the city before the Department of Highways shall attempt the construction or reconstruction.

(3) The Department of Highways shall not construct or reconstruct any street under the provisions of this Act until the officials of the city have established the grade in conformity with the plans and specifications and by ordinance provided that the Department of Highways in the construction or reconstruction of the street is acting as the agent of the city. The Department of Highways shall not be liable to property owners for the changing of the grade or establishing new grades, but damages, if any, resulting to such property owners shall be paid by the city.

§ 5. When the Commissioner of Highways has desig-

nated any street in any city as a part of the State Primary Road System, no construction, reconstruction, maintenance or repair of the street shall be done by the Department of Highways until the city has conveyed to the Commonwealth of Kentucky, without cost to the state, all rights of way it owns upon which the street is located. If it is necessary to acquire new or additional rights of way, the city shall cause the rights of way to be deeded to the Commonwealth of Kentucky for the use and benefit of the Department of Highways and the Department of Highways may participate in the cost of such new or additional rights of way.

§ 6. (1) The Department of Highways may provide, establish and maintain signs and markers, for assistance in the regulation of traffic upon such designated city connecting link streets.

(2) Whenever additional traffic laws are mutually agreed upon by the Department of Highways and the city governing body or authorized city officer or agency, the cost of the fixtures and installations shall be borne by the Department of Highways and the city shall provide the maintenance.

(3) Erection of electric signals on designated streets, where needed, shall be done by mutual agreement between the city and the Department of Highways.

§ 7. Any city or person who enters upon such designated city connecting link streets or rights of way thereof, for the purpose of laying conduits, pipes, poles or wires therein, thereon or thereunder or makes any obstruction thereon or any excavation thereunder, which necessitates any change in the condition or structure thereof, shall do so as provided by regulations prescribed by the Department of Highways. The Department of Highways may prescribe rules and regulations for the protection of city connecting link streets, under which such work shall be done, and require indemnity for any damage occasioned by the work done under the regulations.

§ 8. Section 4356t-8 of Carroll's Kentucky Statutes, 1936 edition, is repealed.

§ 9. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section eight of this Act shall be treated as repealing KRS 177.040, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. George P. Anderson.

H. B. 60. An Act relating to poll tax.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 4239i-2 of Carroll's Kentucky Statutes, 1936 Edition, and Section 4239i-2a of Baldwin's 1938 Supplement to Carroll's Kentucky Statutes, are consolidated into one section and amended to read as follows:

(1) All citizens of this state who are fifty years of age or over are exempt from all poll taxes.

(2) Any honorably discharged soldier, sailor or marine who has served ninety days or more in the military or naval forces of the United States, who was a resident of this state at the time of his induction into service, and who is totally disabled as evidenced by a pension certificate or award of compensation, is exempt from poll taxes.

Section 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 142.020, and shall thereafter be treated as an amendment to KRS 142.020 rather than an amendment to §§ 4239i-2 and 4239i-2a of Carroll's Statutes.

By Mr. Scheben.

H. B. 61. An Act providing for optional county consolidation.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When a petition, signed in person by a number of the legal voters of any county equal to twenty-five percent (25%) of the number of votes cast in said county at the last general election for county officers preceding the filing of the petition, shall be filed at a regular term of the county court thereof, asking that said first county be consolidated with a named adjoining second county, it shall be the duty of the said court to enter into correspondence with the county court of the named second county for the purpose of ascertaining whether a similarly signed petition for the consolidation of the two counties is filed with the county court of the second county within six months of the time of the filing of the petition in the first county.

§ 2. If such a petition is filed with the county court of the second county more than six months from the time of the filing of the petition in the first county, the petition filed in the first county shall be of no effect, but a new petition, signed as provided in the previous section, may be filed in the first county, and, if it is filed within six months of the filing of the petition in the second county, it shall be effective for the purpose of authorizing the calling of an election in each county as provided in the following section.

§ 3. If such a petition is filed in the second county within six months of the filing of the petition in the first county, or if a new petition is filed in the first county within six months of the filing of the petition in the second county, it shall be the duty of each of the county courts of the two counties, by orders entered of record, to call an election to be held, and direct a poll to be taken in the various precincts in each county on the day of the election to be held in said

counties on the first Tuesday after the first Monday in November following the filing of the petition as provided herein, which does not occur within less than ninety days of the time of the filing of an effective petition in the county in which one is last filed, at which election the proposition for the consolidation of the two named counties shall be submitted to the legal voters of each of the two counties for their approval or rejection.

§ 4. It shall be the duty of the county court of each county, by order of record, to direct the sheriff of that county to advertise said election, and the object thereof, in the newspapers published in the county, and if none shall be published therein, then by printed handbills posted up at not less than four of the most public places in each precinct and at the courthouse door.

§ 5. It shall be the duty of the officers of election in each voting precinct to hold said election the same hours they are by law required to hold election for county officers and said election shall be held and conducted in all respects under the general election laws obtaining in this commonwealth at the time of the election.

§ 6. The result of the election in each county shall be certified by the county election commissioners to the county judge in each county. If a majority of the voters of each county, voting on the proposition, approve the consolidation, the county judge of each county shall, within 30 days after the election, appoint three voters of the county to constitute a commission with those appointed from the other county for the purpose of dividing the area of the new county into districts for the election of members of the fiscal court for the new county, and for the purpose of dividing the area of the new county into justices' districts. The said commission representing the two counties shall meet within fifteen days after appointment and proceed to divide the area of the new county into three districts, each to be as nearly equal in area and population as possible. The commission also shall select

not less than two and not more than three names for the new county, and shall select not less than two nor more than three sites for the county seat of the new county. The report of the commission shall be filed with the county court of each county not later than ninety days after the appointment of the commission.

§ 7. The report of the commission shall be entered on the records of each county court. At the next general election to be held in the counties for the election of county officers, officers for the new county shall be chosen. Said election shall be held and conducted in all respects under the general election laws obtaining in this Commonwealth at the time of the election. Members of the fiscal court for the new county shall be elected, one from each of the three districts created by the commission, under the provisions of the law providing for the election of county commissioners under the commission form of government for counties.

§ 8. At the general election for the election of new officers for the new county, the voters of the combined area to be embraced within the new county shall select a name for the new county and a site for the county seat from among the names and sites recommended by the commission as provided herein. The question of the selection of a name and county seat for the new county shall be submitted to the voters on the ballot for the election in the following form:

"I am in favor of

.....☐

.....☐

.....☐

(These spaces shall be filled in with the names for the new county recommended by the commission.)

as the name for the new county to be formed by the consolidation of ..... and ..... counties.

(Fill in these spaces with the names of the two counties to be consolidated.)

"Note to Voter: Indicate your choice by stamping in the box opposite the name you select."

"I am in favor of

.....☐

.....☐

.....☐

(There spaces shall be filled in with the names of the sites for the county seat of the new county recommended by the commission.)

as the site for the county seat of the new county formed by the consolidation of ..... and ..... counties." (Fill in these spaces with the names of the two counties to be consolidated.)

"Note to Voter: Indicate your choice for the county seat by stamping in the box opposite the name of the site you favor."

The new county shall bear the name approved by the majority of the voters of the combined area of the new county, voting on the proposition, and the county seat of the new county shall be located at the site approved by the majority of the voters of the combined area of the new county, voting on the proposition. The name of the county shall not be changed thereafter, and the county seat shall not be changed thereafter, except as authorized by sections nine-hundred fifteen to and including nine-hundred eighteen, Carroll's Kentucky Statutes, 1936 Edition.

§ 9. The territory formerly embraced within each of the old counties shall constitute a separate special taxing district for the purpose of leving and collecting taxes to retire the separate debt of each county, and the separate debt of each county shall be a first lien on the territory formerly

embraced within that county. The fiscal court of the new county shall fix the rate of tax levy for each of the two special taxing districts, and the property within each shall be assessed and the taxes collected by the same county officers of the new county, and in the same manner that the law provides for the assessment of property and the collection of taxes by counties. The money collected as taxes for each of the special taxing districts shall be kept separate and shall be used only in payment of the debts of the old county that formerly embraced the territory of that special taxing district.

§ 10. Where the two old counties were in the same representative, senatorial, circuit court, judicial, congressional, or railroad commissioner district or districts, the new county shall remain in the same district or districts. Where the two old counties were not in the same district or districts, the new county shall be placed in the following district or districts: In the representative, senatorial, circuit court, judicial, congressional, or railroad commissioner district or districts, respectively, in which the old county, having the largest population, was located; provided, that if each of the two old counties was a saparate district the new county shall be divided into two such districts, each district to be coterminus with the boundary lines of the old counties; provided further, that if any of the election districts formed under the provisions of this Act as a result of county consolidation are in violation of the requirements of the Constitution, such consolidation shall not be effective unless the General Assembly, at its first session after the consolidation, shall redistrict the state in compliance with the provisions of the Constitution.

§ 11. All records, supplies and equipment of the old counties shall be turned over to the proper officials of the new county.

§ 12. In case of the consolidation of counties as provided in this Act, the counties as consolidated shall constitute one county school district and the members of the boards of

education of the county school districts thus consolidated may serve out the terms for which they were elected and qualified. The board of education of this consolidated district shall operate the schools of said district in accordance with the laws providing for the operation of county school districts.

The district resulting from the consolidation of said school districts shall take over all the assets and legal liabilities of the districts joining in the consolidation; the tax levy authorized for the payment of interest and the retirement of bonds or the provisions for sinking funds for such purposes shall continue to be levied and collected over the same area by or for the new board in accordance with the laws under which the levies were originally made until all bonded obligations of the old district or districts shall have been retired.

The county superintendents in office at the time of said consolidation may serve for the remainder of their contract periods. They shall cast lots at the first meeting of the new board of education to determine which one will serve as superintendent and which one will serve as assistant superintendent for the remaining contract period.

§ 13. In case either, or both, of the counties that have consolidated under the provisions of this Act has a county health department, county library board, water district board, and other similar county agencies, the members thereof shall serve out the terms for which they were respectively elected. In case both counties have a board of the same type the consolidated county shall constitute a consolidated territory for the purpose of exercising all the functions of such boards, and such boards shall operate together as one board until the expiration of the terms of all members. Provision shall be made for the election of a new board for the consolidated county as the expiration of the terms of the old members requires. In case only one of the counties has a board of the type contemplated by this section the authority of such board

shall be restricted to the confine of the territory that composed the original territory.

§ 14. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the number "KRS 67.020" shall be substituted for "sections nine-hundred fifteen to and including nine-hundred eighteen, Carroll's Kentucky Statutes, 1936 Edition," in section 8 of this Act.

By Mr. Roy L. Taylor.

H. B. 62. An Act providing educational opportunities for the orphans of soldiers, sailors, and marines who were killed in action or died during the World War, and appropriating necessary money therefor from the General Fund.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The sum appropriated under the provisions of the Act shall be used for the sole purpose of providing matriculation fees, board and room, rent and books and supplies for the use and benefit of the children not under sixteen (16) and not over twenty-two (22) years of age; and who have for twelve (12) months had their domicile in the State of Kentucky, of those World War veterans who were killed in action or died from other causes in the World War, from April 6, 1917, to July 2, 1921, while serving in the Army, Navy or Marine Corps of the United States as a result of such service; which orphans are attending or may attend a State educational institution of a secondary or college grade. Said children shall be admitted to State institutions of secondary or college grade free of tuition.

Section 2. The amount that may be or may become due at any educational or training institution, not in excess of the amount specified in Section 3 hereof, shall be payable to such institution or school from the funds hereby created on

vouchers approved by the State Board of Education. Said board shall determine the eligibility of the children who make application for the benefits provided for in this Act; satisfy itself of the attendance of such children at any such institution or school and of the accuracy and reasonableness of the charge or charges submitted to said Board by the authorities of any such institution, on account of the attendance thereat of any such children; provided no member of said Board or its Secretary shall receive any compensation for such services.

Section 3. The sum of one thousand dollars ($1,000.00), or so much thereof as may be necessary, is hereby appropriated from the general fund for each of the fiscal years ending June 30, 1943, and June 30, 1944, for carrying out the provisions of this Act; provided not more than one hundred fifty dollars ($150.00) shall be paid under said provisions for any one child for any one school year. And provided further that in the event all of said fund is not consumed in providing scholarships for war orphans attending State owned institutions of learning, then and in that event the State Board of Education, in the exercise of a wise and sound discretion and on recommendation of the Commander of the American Legion, Department of Kentucky, may appropriate said balance, if any, to eligibile war orphans who desire to enroll in vocational, technical or business schools; provided further that not more than six (6) scholarships in such schools may be so awarded in any one year.

Section 4. Sections 4376b-11 to 4376b-13 of Carroll's Kentucky Statutes, 1936 Edition, are repealed.

Section 5. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, Section 4 of this Act shall be treated as repealing KRS 157.070, 157.080 and 157.090, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

Br. Mr. Harding.

H. Res. 11. A Joint Resolution authorizing Robert Gore, of Taylor County, Kentucky, to sue the Commonwealth of Kentucky.

Said Resolution is as follows, viz.:

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That Robert Gore, of Taylor County, Kentucky, is authorized to sue the Commonwealth of Kentucky in Taylor Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $65.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolution be printed and referred.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 2. An Act relating to public education.

H. Res. 4. Resolution providing for the purchase of five hundred and fifty copies of the Kentucky Directory.

H. B. 21. An Act relating to the embezzlement, conversion, misappropriation or misapplication of the sinking fund in cities of the second class.

H. B. 16. An Act relating to larceny.

H. B. 19. An Act relating to Cooperative Marketing Associations.

H. B. 27. An Act relating to State warrants.

H. B. 46. An Act relating to State Warrants.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 4. An Act relating to the Legislative Council.

Mr. Grace moved that said bill be laid on the Clerk's Desk and that same retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 5. An Act providing for special police during the National Emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Any person in charge of any premises, which he believes to be essential to National Defense, may apply to the Governor to appoint and commission such persons as the person in charge of such premises designates to act as special policemen. Upon such application the Governor may, if he believes it is to the interest of National Defense and the person recommended possesses the necessary qualifications, appoint the persons designated, or as many thereof as he deems proper, and shall issue to such as he appoints a commission to act as special policemen. The Governor shall designate the premises and the area surrounding the premises in which each appointee may exercise his powers as policeman.

§ 2. Every person appointed to act as a special policeman under this Act shall execute an official bond approved by the Governor, and take the oath required by Section 228 of the Constitution. The Secretary of State shall have custody of the bond and shall make a record of the certificate issued and keep the record in his office. The execution of the bond and the taking of the oath of office shall be endorsed upon the commission issued to the special policeman.

§ 3. Special policemen appointed under this Act shall possess and exercise the power of sheriffs in making arrests and shall be subject to all the liabilities of sheriffs while in the discharge of their duties. The powers of special policemen appointed under this Act shall not be limited by any other statute relating to non-elective peace officers or private policemen.

§ 4. Special police appointed under this Act shall, while on duty, wear a metallic badge or shield with the words "special police" and the name or initials of the person for

whom appointed engraved thereon. The badge must be worn on the outside of the clothing, except that when the policeman is acting as a detective he may wear it concealed.

§ 5. The compensation of special policemen shall be paid by the person who applied for their appointment and shall be such as may be agreed upon between the policemen and the person paying them.

§ 6. When the person who applied for the appointment of any special policeman no longer requires the services of such policeman, he may file notice to that effect in the office of the Secretary of State. The Secretary of State shall note the filing of such notice upon the margin of the record where the commission is recorded, and thereupon the power of such policeman shall cease.

§ 7. This Act shall continue in force until the President of the United States proclaims that the present National Emergency is over, and upon such proclamation this Act shall stand repealed and the powers of every special policeman appointed under this Act shall cease.

§ 8. Whereas, there is a grave National Emergency and an immediate need for the protection of Defense industries in this State, an emergency is declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.
George P. Anderson
Henry Arrowood
William F. Ball
W. T. Beard
Robert E. Beatty
Rell Bevins
Douglas T. Bolling
H. M. Brock, Jr.
Gus A. Brooks
Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
W. W. Freeman
Joseph J. Grace
Bert P. Hall
A. G. Hamilton, Jr.
Fuller Harding
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
Chas. O. Humston
W. H. Hunt
Joe B. Jarboe, Jr.
Crow Jarvis
William L. Jones
John S. Juett
W. A. Lamkin
H. W. Linville
A. L. Love
Hugh D. Lyon
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
Sam Milam
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Otto Smither
Charles L. Spilman
James D. Stacey
J. Claude Stacy
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
S. J. Wagner
C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield

Resolved that the title thereof be as aforesaid.

Mr. Simpson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 7. An Act relating to obligations of Rural Electric Cooperative Corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 883j-17, 883j-18 and 883j-19 of Baldwin's 1939 Supplement to Carroll's Kentucky Statutes are consolidated into one section and amended to read as follows:

(1) Any corporation formed under § § 883j-1 to 883j-30 may issue its obligations and pledge its future revenues for the payment thereof. The obligations may be in the form of bonds, notes, debentures, interim certificates or other evidences of indebtedness. The obligations shall be authorized by resolution of the board of directors, after a resolution is first passed by a majority of the common stockholders giving the board that power. The resolution of the board shall fix the dates of issuance and maturity, the rate and time of payment of interest, the denominations, the form (either coupon or registered), the registration privileges, the manner of execution, the place and medium of payment, and the terms of redemption, but the period of maturity shall not exceed twenty-five years, or the rate of interest six percent, and the obligations shall not be made redeemable at more than par and accrued interest.

(2) The obligations may be issued for money or property, at public or private sale, for such price as the board determines, but the interest cost to maturity of the money or property received for any issue of the obligations shall not exceed six percent per annum, payable semiannually, the value of the property for this purpose to be determined conclusively by the board.

(3) Pending the preparation or execution of definitive obligations, interim receipts or certificates or temporary obligations may be delivered to the purchaser of the obligations.

All obligations and interest coupons issued pursuant to §§ 883j-1 to 883j-30 shall be negotiable instruments.

(4) Any corporation formed under §§ 883j-1 to 883j-30 may make such covenants or agreements and do such other things as may be necessary, convenient or desirable in order to secure its obligations, or that the board believes will tend to make the obligations more marketable, notwithstanding that such covenants, agreements or other things may constitute a limitation on the exercise of the powers granted by §§ 883j-1 to 883j-30.

(5) Any corporation organized under §§ 883j-1 to 883j-30 may, out of any funds available therefor, purchase or redeem any obligations issued by it at a price not exceeding the principal amount and accrued interest. All obligations so purchased shall be canceled and retired.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 279.130, and shall thereafter be treated as an amendment to KRS 279.130 rather than an amendment to §§ 883j-17, 883j-18 and 883j-19 of Carroll's Statutes and the words "this chapter" shall be substitutes for the numbers §§ 883j-1 to 883j-30 wherever they appear in section one of this Act.

Mr. Walden moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.
George P. Anderson
Henry Arrowood
William F. Ball
Robert E. Barry
W. T. Beard
Robert E. Beatty
Rell Bevins
Douglas T. Bolling
H. M. Brock, Jr.
Gus A. Brooks
Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
W. W. Freeman
Joseph J. Grace
Bert P. Hall
A. G. Hamilton, Jr.
Fuller Harding
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
Chas. O. Humston
W. H. Hunt
Joe B. Jarboe, Jr.
Crow Jarvis
William L. Jones
John S. Juett
W. A. Lamkin
H. W. Linville
A. L. Love
William Lovett
Hugh D. Lyon
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
Sam Milam
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Otto Smither
Charles L. Spilman
James D. Stacey
J. Claude Stacy
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
Erna E. Tyra
C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield

Resolved that the title thereof be as aforesaid.

Mr. Walden moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed a bill which originated in that body, entitled:

S. B. 2. An Act appropriating money from the General Fund of the Commonwealth of Kentucky for the fiscal year ending June 30, 1942, and from the Highway Fund for the fiscal year ending March 31, 1942, supplementing appropriations heretofore made by the General Assembly for the fiscal year 1941-1942.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

There is hereby appropriated out of the General Expenditure Fund of the Commonwealth of Kentucky for the fiscal year beginning July 1, 1941 and ending June 30, 1942, the following sums for the following officers, departments, boards, commissions, institutions and subdivisions of the State Government, to supplement appropriations made by the General Assembly of the Commonwealth at the Regular Session of 1940, to be expended under the provisions of the Reorganization and Budgetary Control Acts of the Commonwealth:

1. EXECUTIVE DEPARTMENT

a. *National and Civil Defense Emergency Fund.* There is hereby appropriated for meeting special emergencies created by National and Civil Defense, to be adminstered and expended by the Governor of the Commonwealth, the sum of $200,000.00

b. *Sesqui-Centennial Celebration.* There is hereby appropriated for the ordinary recurring and extraordinary expenses deemed by the Governor necessary to be expended

for the Sesqui-Centennial Commission, with the approval of the Governor, in the celebration of the Sesqui-Centennial of the Commonwealth of Kentucky, the sum of $15,000.00

2. DEPARTMENT OF WELFARE

There is hereby appropriated for the ordinary recurring expenses of operation of the charitable and penal institutions of the Commonwealth, the sum of $250,000.00

3. MOREHEAD STATE TEACHERS COLLEGE

There is hereby appropriated for capital outlay for the cost of repair, construction and reconstruction of the dam, the sum of $30,000.00

4. MURRAY STATE TEACHERS COLLEGE

There is hereby appropriated for the cost of repair and reconstruction of the heating plant, the sum of $10,000.00

5. DEPARTMENT OF FINANCE

a. *New Lands and Buildings.* There is hereby appropriated for extraordinary recurring expenses and capital outlay and for ordinary recurring expenses in the restoration, repair, replacement of equipment, maintenance, and improvements of State property, the sum of $50,000.00

b. *New Lands and Buildings.* There is hereby appropriated for the ordinary recurring expenses of architectural fees and the preparation of plans and specifications for repair, reconstruction and construction of State properties, to be expended with the approval of the Governor, the sum of $20,000.00

c. *Division of Properties.* There is hereby appropriated for the installation of partitions, electric equipment, and other construction in the new State Office Building, the sum of $20,000.00

d. *Commissioner of Finance.* There is hereby appropriated for the purpose of employing an attorney for the Department of Finance, and his clerical and traveling expenses, as may be provided by law for the employment of such attorney; and for the employment of two technicians, as may be provided by law, for the remainder of the fiscal year ending June 31, 1942, the sum of $7,500.00

6. DEPARTMENT OF MILITARY AFFAIRS

There is hereby appropriated for ordinary recurring expenses of operation and the purchase of equipment, the sum of $85,000.00

b. *Civil Defense.* There is hereby appropriated for the ordinary recurring expenses of operation of the Civil Defense Commission under laws now existing or hereafter enacted, the sum of $5,000.00

c. It appearing that J. J. Greenleaf who has served without personal compensation as Director of Civil Defense of Kentucky has expended personal money for the conduct of said work, there is hereby appropriated to J. J. Greenleaf the sum of $505.52

7. DEPARTMENT OF LAW

Statutes Revision Commission. There is hereby appropriated for the ordinary recurring expenses of operation and for extraordinary expenses deemed necessary by the Commission, when approved by the Commissioner of Finance, the sum of $8,000.00

PART II

1. DEPARTMENT OF HIGHWAYS

There is hereby appropriated from the State Highway Fund for the Division of Highway Patrol for the fiscal year ending March 31, 1942, for ordinary recurring expenses of operation of the Highway Patrol as provided by law, to be expended only with the approval of the Governor, the sum of $50,000.00

WHEREAS, the increased cost of supplies and materials had exceeded the amount anticipated by the General Assembly in 1940, and whereas there are demands being made upon the Commonwealth of Kentucky to provide for an Active Militia, Civil Defense, and other needs incident to the defense of the State and the prosecution of war by the United States, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

Ordered that said bill be printed and referred.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 8. An Act relating to periods within which civil action shall be commenced.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A cause of action for payment of any warrant of the Commonwealth shall expire and become noneffective unless brought within two years after the Commonwealth has in good faith offered to redeem the warrant by payment in full of all interest and principal due, or within two years from the effective date of this Act, whichever is the longer period.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be numbered and considered to be subsection (2) of KRS 413.110.

Mr. Lampkin moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Joseph J. Grace	E. R. Morlidge
George P. Anderson	Bert P. Hall	C. Sid Nabb
Henry Arrowood	A. G. Hamilton, Jr.	Coy Nevitt
William F. Ball	Fuller Harding	Robert Nicholas
Robert E. Barry	E. R. Hilton	B. W. Porter
Rell Bevins	Jerry F. Howell	Kleber F. Price
Douglas T. Bolling	Chas. O. Humston	James E. Quill
H. M. Brock, Jr.	William L. Jones	L. Allen Rhoads
Gus A. Brooks	John S. Juett	Dr. J. J. Rice
Sherman E. Carter	W. A. Lamkin	Dr. K. N. Salyer
C. L. Clayton	H. W. Linville	Carl Scheben
T. Fowler Combs	William Lovett	Leon J. Shaikun
Oris Cooper	Hugh D. Lyon	Faust Y. Simpson
M. A. Cornett	Norris McPherson	Otto Smither
Rev. W. W. Crouch	Dr. Wm. C. Mann	Charles L. Spilman
Guthrie F. Crowe	Ed. Marcum	J. Claude Stacy
Pink G. Curd	C. C. May	R. C. Stephenson
Dr. J. A. Duff	D. J. Moore	Thomas M. Swope
Forest C. Easley	J. Lee Moore	C. W. Taylor
Harry W. Ennis	L. D. Moore	Egbert Taylor
T. P. Fitzpatrick	C. E. Montgomery	Roy L. Taylor
W. W. Freeman	F. E. Morancy	Rev. H. Tinsley

Erna E. Tyra	Harry Walters	E. Reed Wilson	
S. J. Wagner	H. A. Ward		
C. R. Walden	Henry Ward		—73

Those who voted in the negative were—

W. T. Beard	Joe B. Jarboe, Jr.	H. C. Patterson	
Robert E. Beatty	Crow Jarvis	Byron H. Royster	
John Henry Cox	A. L. Love	H. L. Waterfield	
John D. Fields	J. Milton Mefford		
Clyde S. Howard	Sam Milam		—13

Resolved that the title thereof be as aforesaid.

Mr. Lampkin moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Speaker announced that he had referred bills previously introduced in this House, as follows:

H B. 37. To Committee on Revenue and Taxation No. 1.

H. B. 39. To Committee on Cities of First Class

H. B. 40. To Committee on Education No. 1.

H. B. 41. To Committee on Constitutional Amendments

H. B. 42. To Committee on Fish and Game No. 1.

Mr. Lampkin moved that the privilege of the floor be extended to Messrs. C. A. Bennett and J. R. Allen.

Said motion was agreed to.

Mr. Ward moved that the Rules of this House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Thereupon the following bills were introduced, viz.:

By Mr. Quill.

H. B. 63. An Act to repeal, amend and reenact Sections 1393, 1400 and 1401 of Carroll's Kentucky Statutes, 1936 Edition, so as to abolish the distinction between real and personal estate and between ancestral and non-ancestral property, and to provide for the surviving spouse of an intestate a fixed share of the entire estate; to repeal, amend and reenact Section 1403 of said Statutes, relating to exemptions and distribution of the personal estate of an intestate; to repeal, amend and reenact Section 1404 of said Statutes, relating to the renunciation of a will; to amend Section 2132 of said Statutes, relating to dower and distributable share so as to abolish vested dower and retain only inchoate dower; to repeal, amend and reenact Section 2135 of said Statutes, relating to lands of which the wife shall not be endowed; to repeal Section 2134 of said Statutes, relating to a wife's dower though her husband had no actual possession; to repeal Section 2136 of said Statutes, relating to jointure as a bar to dower; to amend Section 2139 of said Statutes, relating to the recovery and value of dower from an heir, devisee or purchaser; to repeal, amend and reenact Section 2138 of said Statutes, relating to mansion and curtilage, rents and profits until dower is assigned.

WHEREAS, Dower has been abolished or has never existed in thirty-two states of the United States and the present provision made under the laws of Kentucky for the surviving husband or wife is inadequate, unfair and inequitable; and,

WHEREAS, the difference beteween real and personal property should be abolished and the surviving spouse given a share of the entire estate, with just exemptions from the claims of creditors, in lieu of dower so that the surviving spouse may inherit an equal share whether the estate consists of real or personal property; and,

WHEREAS, it is considered wise public policy to continue the practice of both husband and wife joining in the execution of deeds and mortgages and that inchoate right of dower be retained which would apply only to such property the husband may have sold without waiver of dower by the wife,

NOW, THEREFORE,

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Sections 1393, 1400 and 1401 of Carroll's Kentucky Statutes, 1936 Edition, be repealed, amended and reenacted so as to abolish the distinction between real and personal estate and between ancestral and non-ancestral property, and to provide for the surviving spouse of an intestate a fixed share of the entire estate, so that as amended and reenacted, the same shall read as follows:

Property of Person Dying Intestate; Persons to Whom It Descends. When a person dies intestate having title or right to any personal property, or to any real estate or inheritance in this state, including infants and aliens, such personal property shall be distributed, and such real estate or inheritance shall descend and pass in parcenary, subject to the exemptions provided by law, in the following course:

1. If there be no surviving spouse, to the children of such intestate or their lineal descendants, per stirpes.

2. If there be a spouse and one child, or its lineal descendants, surviving, one-half to the surviving spouse and one-half to such child or its lineal descendants, per stirpes.

3. If there be a spouse and more than one child, or their lineal descendants, surviving, one-third to the surviving spouse and the remainder to the children equally, or to the lineal descendants of any deceased child, per stirpes.

4. If there be a surviving spouse and no children, or their lineal descendants, one-half to the surviving spouse and one-half to the parent or parents of the decedent, if living, or if not living, to the brothers and sisters of the decedent or their lineal descendants, per stirpes, or if none, the entire estate shall descend and pass to the surviving spouse.

5. If there be no surviving spouse and no children, or their lineal descendants, then to the next of kin in the following order:

6. To his father and mother, if both are living, one moiety each; but if the father be dead, then the mother, if living shall, take the whole estate; if the mother be dead, then the whole estate shall pass to the father; if no father nor mother, then—

7. To his brothers and sisters and their descendants; if none, then—

8. One moiety of the estate shall pass to the paternal and the other to the maternal kindred, in the following order:

9. First, the grandfather and grandmother equally, if both be living; but if one be dead, then the entire moiety shall go to the survivor; if no grandfather or grandmother, then—

10. To the uncles and aunts and their descendants; if none, then—

11. To the great-grandfathers and great-grandmothers, in the same manner prescribed for grandfather and grandmother in sub-sec. 9; if none, then—

12. To the brothers and sisters of the grandfathers and grandmothers and their descendants; and so on in other cases without end, passing to the nearest lineal ancestors and their descendants as herein prescribed.

13. If there is no such kindred to one of the parents, the whole shall go to the kindred of the other. If there is neither paternal or maternal kindred and if decedent's spouse is dead, the whole shall go to the kindred of the deceased's spouse, as if he or she had survived the intestate and died entitled to the estate.

2. That Section 1403 of Carroll's Kentucky Statutes, 1936 Edition, relating to exemptions and the distribution of the personal estate of an intestate be repealed, amended and reenacted so as to read as follows:

Exemptions to Surviving Spouse or Children. If the intestate is survived by a spouse or infant child or children, the appraisers shall set apart such specific articles of personal property as may be selected by such surviving spouse, or if there be no surviving spouse, by the guardian of such minor child or children, not exceeding in value twenty per centum of the appraised value of the property, real and personal, comprised in the inventory after deducting all liens and mortgages, but in no even more than $2,500.00 if there be a surviving spouse, nor more than $1,000.00 if there be no surviving spouse, but surviving minor child or children, nor less than $750.00 in either case. If there be insufficient personal property to satisfy said exemption, the unpaid portion thereof shall be a charge upon the real estate prior to the claims of all creditors of the estate, but there shall first be deducted from such exemption to the surviving spouse any interest in funds or the value as of the date of death, of any property, real or personal, which may have passed from the decedent to the surviving spouse as tenant by the entirety or by right of survivorship, or by any agreement by which the survivor became the owner of property at the death of the deceased spouse, but if there be surviving spouse and minor child or children, said deduction shall be made only from one-half of said exemption. The foregoing provision shall apply also to cases where a surviving spouse has renounced the provisions of a will within the time prescribed by law.

Secondary Exemptions to Surviving Spouse. After the payment of all debts, taxes and expenses of administration, if the intestate left no minor children, there shall also be set apart to the surviving spouse and exempt from descent and distribution by the court at the time of settlement, the sum of Two Thousand ($2,000.00) Dollars, or if the decedent left both minor and adult children, the proportionate interest of such adult children in said sum of Two Thousand ($2,000.00) Dollars shall be so exempt, or if the intestate left no children or their lineal descendants, there shall be set apart to the surviving spouse and exempt from descent and distribution by the court at the time of settlement, the sum of Five Thousand ($5,000.00) Dollars but this provision for additional exemptions shall not apply where a surviving spouse has renounced a will within the time prescribed by law. Said exemption shall be set apart to the surviving spouse by the court or its equivalent in specific property, or if there be insufficient personal property and cash, the unpaid part of said exemption shall be a charge upon the descendant's real estate. Exceptions to any of the exemptions herein provided for may be filed at any time before approval of fiduciary's settlement.

3. That Section 1404 of Carroll's Kentucky Statutes, 1936, Edition, be repealed, amended and reenacted so that as amended and reenacted, it shall read as follows:

Section 1404. *Renunciation of Will; When and How Made; Effect of.* When a surviving spouse elects to take by descent and distribution instead of under the will of a deceased spouse, the survivor shall be charged with the value of any devise or bequest under the will; or the survivor may, though under full age, relinquish what is given him or her by the will and thereupon receive his or her distributable share under the statute of descent and distribution as if no will had been made, but not exceeding one-half of the estate; but such renunciation must be made within six months after probate of will, or if there is pending at that time an appeal from the judgment of the county court probating such will,

then within six months from the time when such appeal is disposed of. Said renunciation shall be acknowledged in the same manner as deeds and left for record with the county clerk of the county court where the will was probated. Nothing herein shall preclude a surviving spouse from receiving his or her distributable share in addition to any devise or bequest under the will if such is the intention of the testator, plainly expressed in the will or necessarily inferable therefrom. This section shall be effective only as to persons dying after the effective date of this Act.

4. That Section 2132 of Carroll's Kentucky Statutes, 1936 Edition, relating to the surviving spouse's dower and distributable share be amended by striking therefrom the following:

"and the survivor shall have an absolute estate in one-half of the surplus personalty left by such decedent"

and by adding thereto the following:

"but the survivor shall not be endowed of any estate in any property owned by the deceased spouse at the time of his or her death. If the surviving spouse shall take an interest in any property under this section the value of the same shall be deducted from his or her interest under the law of Descent and Distribution which has been substituted for vested dower,"

so that said section, as so amended, shall read as follows:

Section 2132. *Inchoate Dower.* After the death of either the husband or wife, the survivor shall have an estate for his or her life in one-third of all the real estate of which he or she, or any one for his or her use, was seized of an estate in fee simple during the coverture, unless the right to such dower or interest shall have been barred, forefited or relinquished; but the survivor shall not be endowed of any estate in any property owned by the deceased spouse at the time of his or her death. If the surviving spouse shall take an interest in any property under this section the value of the

same shall be deducted from his or her interest under the law of Descent and Distribution which has been substituted for vested dower.

5. That Section 2135 of Carroll's Kentucky Statutes, 1936 Edition, relating to lands of which the wife shall not be endowed be repealed, amended and reenacted, so as to read as follows:

Section 2135. *Lands of which Wife Shall Not Be Endowed.* The wife shall not be endowed of land sold, but not conveyed by the husband before marriage, nor of land sold, in good faith, after marriage, to satisfy a lien or incumbrance created before marriage, or created by deed in which she joined, or to satisfy a lien for the purchase money.

6. That Section 2134 of Carroll's Kentucky Statutes, 1936 Edition, relating to a wife's dower though her husband had no actual possession, and Section 2136, relating to jointure as a bar to dower, be repealed.

7. That Section 2139 of Carroll's Kentucky Statutes, 1936 Edition, relating to recovery and values of dower from an heir, devisee or purchaser, be amended so as to relate only to land sold in which dower was not reliquished, so that said section, as amended, shall read:

Section 2139. *Recovery of Dower of Heir, Devisee or Purchaser; Value, Rents.* When recovery is sought against the purchaser of the husband's lands in which the wife's inchoate dower had not been released, the wife shall be endowed according to the value of the land when received by the purchaser, so as not to include, in the estimated value, any permanent improvements he has made on the land. Such widow's claims for rent shall only be from the commencement of the action to final recovery. If, after action brought, the widow dies before recovery, the rent may be recovered by her representative.

8. That Section 2138 of Carroll's Kentucky Statutes, 1936 Edition, relating to mansion and curtilage, rents, and

profits until dower is assigned, be repealed, amended and reenacted so as to read as follows:

Section 2138. *Mansion and Curtilage; Rents and Profits Until Dower Assigned.* The surviving spouse shall be entitled to hold the home, yard, garden, stable or garage and an orchard, if there be one adjoining, during the administration of the estate or until her part thereof has been set apart to him or her, not exceeding one year or until the sale thereof by judgment of the proper court.

9. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section 1 of this Act shall be treated as repealing KRS 391.010 and 391.020, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

10. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section two of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 391.030, and thereafter be treated as an amendment to KRS 391.030 rather than an amendment to § 1403 of Carroll's Statutes.

11. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section three of this Act shall, upon the taking of effect of the Kentucky Revised Statutes, be substituted in place of KRS 392.080, and thereafter be treated as an amendment to KRS 302.080 rather than an amendment to § 1404 of Carroll's Statutes.

12. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section five of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 392.020, and thereafter be treated as an amendment to KRS 392.020 rather than an amendment to § 2132 of Carroll's Statutes.

13. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section five of this Act shall, upon the taking effect of the Kentucky Revised

Statutes, be substituted in place of subsection (1) of KRS 392.040, and thereafter be treated as an amendment to subsection (1) of KRS 392.040 rather than an amendment to § 2135 of Carroll's Statutes.

14. If the Kentucky Revised Statutes are enacted at the presnt session of the General Assembly, section six of this Act shall be treated as repealing KRS 392.030 and subsection (1) of KRS 392.120, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

15. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section seven of this Act, shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 392.070, and thereafter be treated as an amendment to KRS 392.070 rather than an amendment to § 2139 of Carroll's Statutes.

16. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section eight of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 392.050, and thereafter be treated as an amendment to KRS 392.050 rather than an amendment to § 2138 of Carroll's Statutes.

By Mr. Quill.

H. B. 64. An Act to revise certain Probate Laws of the Commonwealth of Kentucky and to provide certain probate procedure in the county court to simplify the same by definitions and a common statement of qualifications and duties, and permitting the designation of an attorney, if desired, and requiring written application and notice to heirs before appointment of a fiduciary or the probate of a will; to amend Section 1058 of Carroll's Kentucky Statutes, 1936 Edition, by permitting the probate of wills at special sessions of the county court; to repeal, amend and reenact Section 3868 of said Statutes, relating to preferred debts and pro rata distribution of estates; to repeal, amend and reenact

Sections 2149 and 216AA-81 of said Statutes, relating to the jurisdiction of the appointment of committees; to require publication of notice to creditors of estates; to repeal, amend and reenact Sections 3851, 3852, 3853 and 3854 of said Statutes, relating to the sale of personal property by fiduciaries; to repeal, amend and reenact Sections 3849 and 3855 of said Statutes, relating to the time of filing an inventory; to repeal, amend and reenact Sections 1065, 1067, 2029, 2037, 3857 and 3858 of said Statutes, relating to accounting by fiduciaries and providing penalties for failure to account; to provide for the publication of notice of settlements; to repeal, amend and reenact Section 3847 of said Statutes, relating to when an action may be brought against a personal representative; to repeal, amend and reenact Section 2087 of said Statutes, relating to the period of time debts remain a lien on decedent's real estate; to rpeal, amend and reenact Section 3860 of said Statutes, relating to when a distribution of an estate may be made.

Said bill is as follows, viz.:

WHEREAS, the Probate Laws of the Commonwealth of Kentucky are in need of revision so as to shorten the period of administration of estates, to protect trusts from defalcations and to more fully safeguard the rights of creditors, distributees and wards; and,

WHEREAS, the following revisions are considered to be the most urgent and except for such changes, the Probate Laws will remain as at the present time,

NOW, THEREFORE,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. *Definition.* The term "fiduciary" as uesd in this act means any person, association or corporation (other than assignee or trustee for an insolvent debtor, or a guardian under the uniform veterans' guardianship act) appointed by,

or under the control of, or accountable to the county court, including executors, administrators, administrators with the will annexed, trustees, curators, guardians and committees.

2. *Who May Be Appointed.* Any resident of the State of Kentucky, including married women, over 21 years of age and any corporation authorized by law to act as such in the State of Kentucky may be appointed as fiduciary.

3. *Appointment and Duties.* Every fiduciary, before entering upon the execution of the trust, shall receive letters of appointment from the county court having jurisdiction of the subject matter of the trust. The duties of a fiduciary shall be such as are required by law, and such additional duties not inconsistent therewith as the court may order.

4. *Representation by Attorney.* At the time of appointment of a fiduciary, he may designate an attorney who will represent him in matters relating to the trust and when so designated, notices to such fiduciary shall also be sent by the court to such attorney, but no fiduciary shall be required to be represented by attorney.

5. *Application for Appointment as Fiduciary.* Before being appointed as executor, administrator, curator, or administrator with the will annexed, every person shall make and file in duplicate a written application under oath, which must state the names of the deceased's surviving spouse and all of his next of kin or such as are known, their postoffice address if known, the date of death and also a statement in general terms as to what the estate consists of and the probable value of the personal and real estate and also a statement of any indebtedness owing by the applicant to the deceased. A duplicate copy of said application shall be mailed by the clerk to the Commissioner of Revenue of the State of Kentucky. In case of intestacy, if there be no surviving spouse, or if such spouse waives the right of appointment or is not qualified to act and there are more than one resident next of kin in the county entitled to appointment, the court

shall thereupon appoint a time for hearing such application. Notice of said hearing shall be given to the surviving spouse and all heirs of the deceased residing in the State, in the manner herein provided.

Before being appointed as guardian or committee, every person shall make and file in duplicate a written application under oath, which must state the name, age and residence of the ward, the ward's husband or wife and each of the ward's parents, or if there be no spouse or parents living in the State, the names, ages and residence of the next of kin, the name of the person having custody of the ward, a brief description of the ward's estate and its probable value, and the estimated annual income therefrom. A duplicate copy of said application shall be mailed by the clerk to the Commissioner of Revenue of the State of Kentucky. The court shall thereupon appoint a time for hearing such application. Notice thereof shall be given to the minor if more than fourteen years of age; to the person having custody of the ward; to the husband or wife and each parent of the ward, or if none, to the next of kin residing in the state in the manner herein provided.

6. *Application for Probate of Will.* When any will is offered for probate, the court shall require a verified application to be filed by the person offering the same. Such application shall state the residence of the testator at the time of his death and such other facts as may be necessary to establish the jurisdiction of the court, and the names, ages and postoffice addresses of the testator's surviving spouse and heirs at law, or such as are known. Said application shall be set for hearing and notice thereof shall be given to such surviving spouse and heirs in the manner herein provided. An application for probate and for appointment as executor or administrator with the will annexed may be combined in one application.

7. *Notice of Hearing.* Notice of hearing of an application for the appointment of a fiduciary or the probate of a

will shall be given by mailing written notice of the time, place and purpose of such hearing at least five days before said hearing. Proof of such notice shall be by registered mail receipt or by applicant's affidavit that the same was mailed to each of the parties entitled thereto in a sealed envelope, postage prepaid, and the date when posted, which proof shall be filed at the time of hearing. If all parties entitled to notice are under no disability and waive notice in writing, the court may hear such application as if notice had been given. A minor over fourteen years of age may waive notice if present in person at the time of hearing of application for appointment of his guardian.

8. That Section 1058 of Carroll's Kentucky Statutes, 1936 Edition, be amended by striking therefrom the words "probating of a will, or" so that said section, as amended, shall read as follows:

Section 1058. *Monthly Terms; Change; Special Terms.* There shall be a regular term of the county court held by the county judge in each county once every month on Monday, and until changed as herein provided, shall be held on the same day it now is. The time of holding the county court in any county may be changed by an order made by the county judge and entered upon the records of the county court at the last regular term held in the year next preceding the year in which the change is to be made. Special terms of the county court may be held at any time for the transaction of any business except granting tavern, liquor, or druggist license; and the court may adjourn from time to time until the business is disposed of, but no adjournment shall be to a time beyond the commencement of the next regular term.

9. *Notice to Creditors; Publication.* Within ten days after the order of appointment, the clerk of county court shall cause to be published in a newspaper having general circulation in the county once a week for three consecutive weeks, a notice which shall be substantially as follows: Notice

to Creditors. Administration has been granted by the county court upon the following estates: ..... Administrator or Executor of the Estate of ..... Address ..... All persons having claims against said estates are notified to present them, verified according to law, not later than ..... Said date shall be fixed by the clerk at four months after the first publication of said notice. The actual cost of such notice or the proportionate part thereof, if more than one notice, shall be charged by the clerk as costs.

10. That Section 3868 of Carroll's Kentucky Statutes, 1936 Edition, be amended by inserting after the words "burial expenses of such decedent", the following words "not exceeding in amount the sum of $250.00", so that said section, as amended, shall read as follows:

Section 3868. If the personal estate of a decedent be not sufficient to pay his liabilities, then the burial expenses of such decedent, not exceeding in amount the sum of $250.00, and the cost and charges of the administration of his estate, and the amount of the estate of a dead person, or of a ward, or of a person of unsound mind, committed by a court of record to, and remaining in the hands of, a decedent, shall be paid in full before any pro rata distribution shall be made; but this preference shall not extend to a demand foreign to this state. All other debts and liabilities shall be of equal dignity, and paid ratably in the administration of his estate, and should more than the ratable share of any debt be paid, his personal representative shall only receive credit for its proper proportion

11. That Sections 3851, 3852, 3853 and 3854 of Carroll's Kentucky Statutes, 1936 Edition, relating to sales of personal property of decedents, be repealed, amended and reenacted so that, as amended and reenacted, said sections shall read as follows:

Sale of Personal Property. At any time after the ap-

pointment of a fiduciary, the court, when satisfied that it would be for the best interests of the estate, may authorize such fiduciary to sell, at public or private sale, at a fixed price or for the best price obtainable, and for cash or on such terms as the court may determine, any part or all of the personal property belonging to the estate, including dividend paying securities, except:

1. Such as the surviving spouse, if any, desires to take at the appraised value according to law.

2. Property specifically bequeathed, when sale of such property is not necessary for the payment of debts provided that such property may be sold with the consent of the person or persons entitled thereto.

3. Property as to which distribution in kind has been demanded prior to the sale by the surviving spouse or other beneficiary entitled to such distribution in kind.

4. Property which the court in its discretion directs be not sold pursuant to wish expressed by decedent in his will, if any, or which may be suitable to a division in kind; but at any later period, on application of a party interested, the court may, and for good cause shall, require such sale to be made.

If the court directs any of such personal property to be sold at public sale, the court shall also direct the nature and extent of the advertising of such sale.

Nothing herein shall limit or qualify the powers granted by will to executors and trustees.

12. That Sections 2149 and 216AA-81 of Carroll's Kentucky Statutes, 1936 Edition, be repealed, amended and reenacted so as to read as follows:

Committees; Appointment and Accounting of. The county courts shall have exclusive jurisdiction of the appointment and accounting of committees. Application shall be filed and notice given in the same manner required for guardians. There shall be filed with said application a statement

from the clerk of the circuit court that the incompetent has been adjudged as such. Appointment shall be made, bond executed, and accounting required in the same manner as guardians and actions upon such bond may be maintained by any person aggrieved by a breach thereof.

13. That Section 3849 of Carroll's Kentucky Statutes, 1936 Edition, be amended by changing "three months" to "one month" so that said Section, as amended, shall read as follows:

Section 3849. *Appraisers and Their Duty.* The county court in which a will is proved or administration granted, shall appoint three persons, any two of whom may act, being first sworn to discharge the duty assigned to them to the best of their judgment. It shall be their duty to view and appraise such estate as the personal representative shall exhibit to them, and subscribe and return such appraisement to the clerk's office of the court appointing them within one month after their appointment. If the appraisers believe the whole personal estate has not been exhibited to them, they shall report the fact to the court.

14. That Section 3855 of Carroll's Kentucky Statutes, 1936 Edition, be repealed, amended and reenacted so as to read as follows:

Section 3855. *Inventory; to be Returned; Copies Evidence.* It shall be the duty of a personal representative of a decedent to return an inventory in duplicate within one month from the time of qualifying as such to the clerk's office of the court in which he qualified, the original of which shall be recorded by the clerk and the duplicate shall be mailed by the clerk to the Commissioner of Revenue. Copies from the record of the inventory or appraisement shall be prima facie evidence for or against such representative.

15. To repeal, amend and reenact Sections 1065, 2029, 2937, 3857 and 3858 of Carroll's Kentucky Statutes, 1936 Edition, relating to accounting by fiduciaries and penalties

for failure to account, so that said sections as reenacted, shall read as follows:

Accounts; When Required; Proof of Balances and Securities. One year after appointment and annually thereafter, unless otherwise provided by law, every fiduciary, including committees for incompetent persons, must render an account of the execution of his trust to the court by which he was appointed, including in such account an itemized statement of receipts and disbursements supported by vouchers accompanying the same and a statement of all investments and changes in investments since the filing of his last account. Provided, however, that guardians, committees and trustees under continuing trusts, after their first accounting, shall render their accounts thereafter bi-annually, or at shorter intervals if the court shall require it. Such settlements, when approved and confirmed by the court, shall be recorded and indexed by the clerk, and the original and the vouchers carefully kept by him in his office. An account shall be rendered by the fiduciary at any other time upon order of the court upon its own motion or that of any person interested in the trust, for good cause shown on affidavit. At the expiration of his trust such fiduciary must fully account for and pay over the trust estate to the person or persons entitled thereto. Every such account shall list all unpaid creditors whose claims have been allowed and all creditors whose claims have been disallowed. No account of a fiduciary shall be approved until there are exhibited to the court, for its examination, the security or securities shown in said account as being in the hands of the fiduciary, or the certificate of a bank having possession thereof or in which they have been deposited for safekeeping, and a certified bank statement showing the funds to the credit of the trust.

Penalty for Failure to Account. If a fiduciary neglects or refuses to file an inventory or account when due according to law, or when ordered by the court, the court shall notify

the fiduciary of his delinquency and any fiduciary failing, without good cause therefor, to file his inventory or account as required by law, shall be fined by the court for each day he so neglects or refuses after such notice, the sum of Ten ($10.00) Dollars, to be collected by rule or other process. (K. S. 1065, 3857). Unless there is pending in the circuit court a suit to settle the estate such neglect or refusal shall be grounds for removal by the court. If the fiduciary fails to file such account within thirty days after he has been so notified, no allowance shall be made for his services unless the court enters upon its minutes an order that such delay was reasonable.

Duties of Clerk and Judge. It shall be the duty of the clerk to report in writing to the judge once each month the names and addresses of all fiduciaries who have during the previous calendar month become delinquent in filing an inventory or settlement. The judge shall notify by mail such delinquent fiduciaries and shall warn them of the penalties provided by law. If the clerk shall fail to report such delinquents it shall be the duty of the judge to secure a list of same from the court records. There shall be taxed as costs in each delinquent case a fee of Twenty-Five ($.25) Cents for the preparation of said list and the mailing of said notice, to be divided between the clerk and the judge. If the list of said delinquents is secured by the judge he shall be entitled to all of said fee. If the judge shall fail to mail such notices it shall be the duty of the clerk to do so and he shall be entitled to all of said fee.

16. That Section 1067 of Carroll's Kentucky Statutes, 1936 Edition, be repealed, amended and reenacted so as to read as follows:

Section 1067. *Settlements Filed by Clerk; Exceptions, Vouchers, New Evidence.* The clerk shall endorse on the report the time of filing the same and it shall lay over not less than ten days until the first day of the next term of court,

to be known as the date of hearing, during which, or at which, exceptions may be filed by any person interested. If no exceptions are filed the report, if made according to law, shall be approved and recorded. If exceptions are filed, other evidence besides that reported may be heard, and the court shall, upon the whole case, reject, confirm, alter or amend the report, and if confirmed, order it to be recorded. The vouchers accompanying the report shall not be recorded, but must be carefully kept on file with the report in the clerk's office. Any new evidence given in court must be reduced to writing and filed with the report. Settlements so made and recorded shall be prima facie evidence between the parties interested.

17. *Notice of Filing Settlement.* Not less than ten days prior to the date of hearing, the clerk shall cause notice of the filing of a settlement to be published in a newspaper of general circulation in the county, stating the name of the fiduciary, the trust, the nature of the account and the date of hearing, with a statement that exceptions must be filed before that time. The actual cost of such notice, or the proportionate part thereof, if more than one settlement, shall be taxed as costs. Provided, however, that with the court's approval the fiduciary may, in lieu of such publication, send a written notice thereof to all unpaid creditors and distributees, which notice shall be mailed at least ten days before said date of hearing. The fiduciary in such cases shall file his affidavit that such notice has been mailed.

18. That Section 3847 of Carroll's Kentucky Statutes, 1936 Edition, be amended so as to permit tthe filing of a suit against a personal representative after five months, so that said section, as amended, shall read as follows:

Section 3847. *Action Against; When May Be Commenced.* Five months must run after date of the qualification of the first personal representative of a decedent's estate, before an action shall be commenced against any executor or

administrator thereof except against an executor de son tort. Any action brought in violation of this action shall be dismissed with costs.

19. That Section 2087 of Carroll's Kentucky Statutes, 1936 Edition, be repealed, amended and reenacted so that the period of time during which debts remain a lien on real estate will be reduced from twelve months to six months, so that said section, as reenacted shall read as follows:

Section 2087. *Alienation before Suit Vests Purchaser with Title; Liability of Heir.* When the heir or devisee shall alien, before suit brought, the estate descended or devised, he shall be liable for the value thereof, with legal interest from the time of alienation, to the creditors of the descendant or testator; but the estate so alienated shall not be liable to the creditors in the hands of a bona fide purchaser for valuable consideration, unless action is instituted within six months after the estate is devised or descended to subject the same.

20. That Section 3860 of Carroll's Kentucky Statutes, 1936 Edition, be repealed, amended and reenacted so as to permit the distribution of estates after six months instead of nine months, so that said section, as reenacted, shall read as follows:

Section 3860. *Distribution of Estate.* A personal representative may distribute the estate of a decedent six months after qualification.

21. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section eight of this act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 25.120, and thereafter be treated as an amendment to KRS 25.120 rather than an amendment to § 1058 of Carroll's Statutes.

22. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section ten of this act shall, upon the taking effect of the Kentucky Revised Stat-

utes, be substituted in place of KRS 396.090, and thereafter be treated as an amendment to KRS 396.090 rather than an amendment to § 3868 of Carroll's Statutes.

23. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section eleven of this act shall be treated as repealing KRS 395.200, 395.210 and 396.120, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

24. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section twelve of this act shall be treated as repealing KRS 202.150 and subsections (1) and (3) of KRS 387.210, regardless of the date of enactment of taking effect of the Kentucky Revised Statutes but KRS 387.010 shall remain in full force and effect and shall not be treated as affected by this act.

25. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section thirteen of this act shall be treated as repealing subsections (1), (2) and (4) of KRS 395.180, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

26. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section fourteen of this act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 395.250, and thereafter be treated as an amendment to KRS 395.250 rather than an amendment to § 3855 of Carroll's Statutes.

27. If the Kentucky Revised Statutes are enacted at the presnt session of the General Assembly, section fifteen of this act shall be treated as repealing KRS 25.990(4), 387.100(3), 387.180(2), and 395.990, regardless of the date of enactment of taking effect of the Kentucky Revised Statutes, and KRS 25.170 shall read as follows:

"The county judge shall make settlements with personal representatives, trustees, assignees, committees, curators and guardians in his county, or appoint a special commissioner to make such settlements."

28. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section sixteen of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 25.200, and shall thereafter be treated as an amendment to KRS 25.200 rather than an amendment to § 1067 of Carroll's Statutes, and KRS 25.190 shall remain in full force and effect and shall not be treated as affected by this act.

29. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section eighteen of this act sheall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 395.270, and thereafter be treated as an amendment to KRS 395.270 rather than an amendment to § 3847 of Carroll's Statutes.

30. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section nineteen of this act shall, upon the the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 396.110, and thereafter be treated as an amendment to KRS 396.110 rather than an amendment to § 2087 of Carroll's Statutes.

31. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section twenty of this act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 395.190, and thereafter be treated as an amendment to KRS 395.190 rather than an amendment to § 3860 of Carroll's Statutes.

Ordered that said bills be printed and referred.

Mr. J. Lee Moore moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 15, 1942.

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend C. W. Grant of the First Methodist Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson, Jr.	Fuller Harding	C. Sid Nabb
George P. Anderson	E. R. Hilton	Coy Nevitt
Henry Arrowood	Clyde S. Howard	Robert Nicholas
William F. Ball	Jerry F. Howell	H. C. Patterson
W. T. Beard	Chas. O. Humston	B. W. Porter
Rell Bevins	W. H. Hunt	Kleber F. Price
Douglas T. Bolling	Joe B. Jarboe, Jr.	James E. Quill
H. M. Brock, Jr.	Crow Jarvis	L. Allen Rhoads
Gus A. Brooks	William L. Jones	Dr. J. J. Rice
Sherman E. Carter	W. A. Lamkin	Wade H. Riley
C. L. Clayton	H. W. Linville	Byron H. Royster
T. Fowler Combs	A. L. Love	Dr. K. N. Salyer
Oris Cooper	William Lovett	Carl Scheben
M. A. Cornett	Harry K. Lowman	Leon J. Shaikun
John Henry Cox	Hugh D. Lyon	Faust Y. Simpson
Rev. W. W. Crouch	Cary McDevitt	Clyde Smith
Guthrie F. Crowe	Norris McPherson	Otto Smither
Pink G. Curd	Dr. Wm. C. Mann	Charles L. Spilman
Dr. J. A. Duff	Ed. Marcum	James D. Stacey
Forest C. Easley	C. C. May	J. Claude Stacy
Harry W. Ennis	J. Milton Mefford	R. C. Stephenson
John D. Fields	Sam Milam	Thomas M. Swope
T. P. Fitzpatrick	D. J. Moore	C. W. Taylor
W. W. Freeman	J. Lee Moore	Egbert Taylor
Joseph J. Grace	L. D. Moore	Roy L. Taylor
Bert P. Hall	C. E. Montgomery	Rev. H. Tinsley
A. G. Hamilton, Jr.	E. R. Morlidge	Erna E. Tyra

S. J. Wagner	H. A. Ward	E. Reed Wilson
C. R. Walden	Henry Ward	
Harry Walters	H. L. Waterfield	

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Walters moved that a leave of absence be granted to Messrs. Juett and Morancy.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed resolutions which orignated in this House, entitled:

H. Res. 1. Resolution appropriating the sum of $750.00 for a contingent fund for the Clerk of the Senate, and $750.00 for the Clerk of the House.

H. Res. 3. Resolution appropriating additional compensation for officers and employees of the House and Senate.

H. Res. 2. Resolution providing for the purchase of the "Legislative Digest."

Ordered that said resolutions be delivered to the Enrolling Clerk of this House.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Howell.

H. B. 65. AN ACT to repeal, amend, and reenact Chapter 9 of the Acts of the General Assembly, 1940 regular ses-

sion, entitled: "AN ACT to bond weighmen in stockyards, to provide for monthly reports from stockyards, to place supervision of stockyards and weighing devices therein in the Department of Agriculture, Labor and Statistics, and to provide for inspection of weighing devices." To license weighmen in stockyards, concentrations, points, packing plants, butcher shops, and other establishments where livestock is bought and sold, to provide monthly reports from all such establishments, to give the Commissioner of Agriculture supervision over all such establishments and weighing devices therein, to provide for license fees to be paid by such establishments for the enforcement of this Act, to provide for the inspection of weighing devices therein, allowing the Commissioner of Agriculture to make rules and regulations for the enforcement of this Act, placing jurisdiction in the Franklin Circuit Court, providing penalties for violation, and repealing all laws in conflict.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Chapter Nine (9) of the Acts of the 1940 regular session of the General Assembly, entitled: "AN ACT to bond weighmen in stockyards, to provide for monthly reports from stockyards, to place supervision of stockyards and weighing devices therein in the Department of Agriculture, Labor and Statistics, and to provide for inspection of weighing devices," is hereby repealed, amended, and reenacted so that when so amended and reenacted shall provide as follows:

2. DEFINITIONS AS USED IN THIS ACT UNLESS THE CONTENT REQUIRES OTHERWISE.—(1) "Commissioner" shall mean the Commissioner of Agriculture, Labor and Statistics. (2) "Stock yards" shall mean, live stockyards, auction markets, market places, packing plants, concentration points, or any other place which maintains a scale or scales for the purpose of weighing live stock, if such

live stock is bought or sold on the basis of the weight ascertained from such scales, whether such live stock is sold in the original form or processed and the meat therefrom sold in cuts, packages, or in any other manner other than one which is posted and subject to regulation by the Secretary of Agriculture of the United States under the Packers and Stockyards Act of 1921, and laws amendatory thereof and rules and regulations promulgated thereunder by the said Secretary.

3. WEIGHMEN TO BE LICENSED: COST OF LICENSE.—All stock yards employing weighmen shall submit to the Commissioner a list of all weighmen employed and each weighman so employed shall be required to purchase a license entitling him to weigh livestock in the Commonwealth. The cost of such license shall be $7.50 for each weighman.

4. LICENSES FOR WEIGHMEN TO BE ON FORMS FURNISHED BY COMMISSIONER, COMMISSIONER TO INVESTIGATE QUALIFICATIONS, ISSUE LICENSES, WEIGHMEN TO WEAR BADGE FURNISHED BY COMMISSIONER.—Licenses, as provided in Section 3 hereof, shall be procured from the Commissioner of Agriculture on forms furnished by him and the Commissioner shall not issue a license to a weighman until he has investigated the qualifications of such weighman and is satisfied that he is competent to weigh live stock for public sale. Before any weighman shall be eligible for license he must sign the following oath before a Notary Public and submit same, properly signed and acknowledged, to the Commissioner: "I do solemnly swear (or affirm) that I will correctly and accurately weigh all live stock offered for sale at the stock yard of ..... and correctly test and keep accurate the scales upon which the live stock so offered for sale is weighed." All licensed weighmen shall at all times wear a badge furnished by the Commissioner of Agriculture, which badge shall state the weighman's name, the firm he is em-

ployed by, and the expiration date of his license, and the number of such license.

5. ONLY LICENSED WEIGHMEN TO WEIGHT LIVESTOCK.—No person other than the licensed weighman, provided in Section 3 of this Act, shall be permitted to weigh livestock for the purpose of sale at any stock yard.

6. STOCK YARDS TO REPORT MONTHLY SALES OF LIVESTOCK TO THE COMMISSIONER.—Each stock yard operating in the Commonwealth shall, on the first day of each month following the enactment of this legislation, file a sworn statement with the Commissioner showing the exact number of livestock received at the yard for the purpose of sale during the preceding month. Such reports shall be made on forms furnished by the Commissioner and shall include the number of each species of livestock received and the price paid for same at the time of sale. It shall be the duty of the Commissioner to keep a permanent record of the number of each species of livestock received for sale at all stock yards and the price paid for same at the time of sale.

7. SCALES TO BE KEPT IN GOOD ORDER.—All stock yard scales shall be kept clean, well oiled, and in good condition at all times and each stock yard shall make frequent inspection of all scales for evidence of harm to the weighing mechanism by rodents or by any other means.

8. COMMISSIONER TO ENFORCE ACT AND EMPLOY INSPECTORS, TO PROMULGATE RULES AND REGULATIONS FOR ENFORCEMENT OF ACT.—

(1) The Commissioner shall administer this Act and have general supervision of weighing devices used by all stock yards.

(2) The Commissioner shall employ such inspectors and other employees as are necessary for the enforcement of this Act and the duties and compensation of such employees shall be fixed by the Commissioner in accordance with the Governmental Reorganization Act of 1936.

(3) The Commissioner shall be empowered to promul-

gate from time to time such rules and regulations as are necessary for the enforcement of this Act.

9. DUTIES OF INSPECTORS.—(1) The inspectors employed under the provisions of Section 8 of this Act shall inspect, as often as the Commissioner deems necessary, all scales in stock yards located in the territory designated by the Commissioner to each inspector. (2) The inspectors employed by the Commissioner shall have the privilege of reweighing any livetock at any stock yard at any time that such inspector shall see fit. (3) The inspectors employed by the Commissioner shall have the right to inspect all scales in all stock yards and require the owner or operator of such scales to clean and oil them and make any necessary adjustments, so that the scale inspected shall operate properly at all times. (4) If, upon inspection, the inspector is reasonably certain that the scale inspected is out of adjustment, he shall have the right to order a technical inspector or scale tester to test the scale or scales at the expense of the stock yard which owns such scale or scales.

10. STOCK YARDS TO PAY FOR ADMINISTRATION OF ACT.—Each stock yard operating within the Commonwealth shall pay an annual license tax to provide funds for the administration of this Act, such tax shall be prorated among the different types of establishments in the following manner:

(1) For each Auction Market the annual license tax shall be $50.00.

(2) For each Packing House or Slaughtering Plant purchasing livestock on the basis of the weight ascertained from a scale or scales owned and operated by the establishment and selling same either in cuts or in processed form as a wholesaler, the annual license tax shall be $50.00.

(3) For each Butcher Shop, or Slaughtering Plant, purchasing livestock on the weight ascertained from a scale or scales owned or operated by the establishment and selling

same either in cuts or in processed form as a retailer, the annual license tax shall be $10.00.

(4) For each Concentration Point purchasing livestock on order for one or more Federally Inspected Packing and Slaughtering Plants on the basis of the weight ascertained from scales owned or operated by such establishment, and having pen space in excess of 1,000 square feet, the annual license tax shall be $50.00.

(5) For each Concentration Point purchasing livestock on order for one or more Federally Inspected Packing and Slaughtering Plants on the basis of the weight ascertained from scales owned or operated by such establishment, and having pen space of 1,000 square feet or less, the annual license tax shall be $10.00.

(6) For each Weigh Station which maintains a scale or scales for the purpose of determining the price of livestock weighed on such scale or scales but which does not come within any of the other classifications named herein, the annual license tax shall be $10.00.

11. LICENSE TO BE ISSUED BY COUNTY COURT CLERK ON FORMS FURNISHED BY COMMISSIONER, CLERK TO REPORT.—The license tax designated in Section 10 hereof, shall be issued by the Clerk of the County Court of the County in which the Stock Yard is located, on license forms furnished by the Commissioner, and the Clerk shall receive a fee of $1.00 for the issuance of such license, such fee to be in addition to the license tax. If any stock yard in the Commonwealth shall fail to secure a license prior to September 1st of any year, the Clerk of the County Court of the County in which the stock yard is located may add to the cost of the license the regular penalty assessed against delinquent tax payments. The Clerk of the County Court shall submit a report to the Commissioner of all such licenses issued no later than the first day of September in each year following the enactment of this legislation and shall remit

the full amount of such license tax collected to the Commissioner at the same time that the report is submitted.

12. FUNDS TO BE PLACED IN REVOLVING FUND.—The funds derived from the payment of license taxes, as provided for in Section 10 hereof, and weighmen's license fees as provided for in Section 3 hereof, shall be placed in a revolving fund in the State Treasury to be used by the Commissioner to meet the expenses involved in enforcing the provisions of this Act.

13. COUNTY COURT CLERK MADE AGENT OF COMMISSIONER, ESTABLISHING JURISDICTION.—For the purposes of collection of the license tax, as provided in Sections 10 and 11 hereof, the Clerk of the County Court in each County in the Commonwealth is hereby designated the agent of the Commissioner and all actions arising from the non-payment of such license taxes shall be brought in the name of the Commissioner in the Franklin Circuit Court.

14. BRIEF STATEMENT OF ACT PROVISIONS TO BE PRINTED AND POSTED.—The Commissioner shall cause to have printed a brief summary of the provisions of this Act and shall forward a copy of such summary to each stock yard in the Commonwealth. Upon receipt of such summary it shall be the duty of each stock yard to post same in some conspicuous place, for the information of the general pupblic, and to keep same posted at all times.

15. PENALTIES.—No stock yard shall permit any livestock to be weighed except by weighmen who have been duly licenses under Section 3 of this Act. Any stock yard violating this provision shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty-dollars for each offense.

Subsection 2. Any person who attempts to hinder or obstruct the Department or any of it's agents or employees in the performance of their official duties, or who knowingly and wilfully violates any regulation of the Commissioner, or

who refuses to pay the fee as provided in Section 10 of this Act, shall be guilty of a misdemeanor and shall be subject to a fine of not less than twenty-five dollars nor more than fifty dollars for each offense.

Subsection 3. Any person employed as a weighman at a stock yard who attempts to weigh any livestock without first obtaining the license provided for in Section 3 hereof shall be guilty of a misdemeanor and shall be subject to a fine of not less than ten nor more than fifty dollars for each offense.

Subsection 4. Any owner, lessee, employee, or operator of any stock yard who attempts by intimidation, force, bribery, or by any other means to influence any weighman to falsely report the weight of any animal shall be fined not less than one hundred dollars nor more than five hundred dollars.

Subsection 5. Any weighman who falsely and for the purpose of cheating or defrauding any person having livestock weighed, falsely reports the weight of such livestock shall be guilty of a misdemeanor and shall be fined not less than one hundred nor more than five hundred dollars and each such false report shall be considered a separate offense.

Subsection 6. Any weighman or stock yard violating any of the other provisions of this Act for which a penalty is not herein provided shall be guilty of a misdemeanor and shall be subject to a fine of not less than ten nor more than fifty dollars.

16. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS Chapter 261, and thereafter be treated as an amendment and reenactment of KRS Chaper 261 rather than an amendment and reenactment of 1940, c. 9.

By Mr. Freeman.

H. B. 66. An Act relating to the payment of salaries and wages of state employees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

1. Section 156 of Carroll's Kentucky Statutes, 1936 Edition, and Section 351a-1 of Carroll's Kentucky Statutes, 1936 Edition, are hereby repealed.

2. Upon the enactment of this law every employee of the Commonwealth of Kentucky shall be paid any salary or wages due such employee on a semi-monthly basis, such salary or wages to be paid on the fifteenth and the last day of each month.

3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 45.340, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Crouch.

H. B. 67. AN ACT to aid the Counties in constructing and maintaining farm-to-market roads by amending the statutes relating to the Excise Tax on Gasoline.

Said bill is as follows, viz.:

WHEREAS, some eighty-four Counties of Kentucky have outstanding an indebtedness of some eighteen million dollars on Road and Bridge bonds bearing an exorbitant rate of interest, and

WHEREAS, the revenue derived by the counties from the maximum constitutional levies for road purposes is, in most cases, insufficient to meet these bonded obligations, and

WHEREAS, many of the Counties are now in default on their Road and Bridge bonds, and many others will soon default unless aided, because of the lack of sufficient revenue, and

WHEREAS, the State Highway Commission received, used and directed the use of the original funds represented

by these bonds, thereby laying the State under a moral obligation to aid in the refunding of said bonds, and

WHEREAS, we are now in a state of war and national emergency when all of our farm-to-market road facilities are a vital need as an aid in rapid transporatation of food and other rural commodities to feed and support our armies and our allies, and

WHEREAS, for many years, because of County debts and lack of revenue, many thousands of miles of our farm-to-market roads have had little or no maintenance until now, in this time of imminent danger and need, these County roads are but little more than gullies and quagmires, and no County funds are available with which to remedy them, and

WHEREAS, any improvised method of refunding County Road and Bridge bonds by re-issuing bonds with longer time limits of payment, and which does not provide new and additional County revenues with which to meet these obligations, will be entirely beside the moral obligation of the State and will be entirely useless as to aiding the Counties to Construct and maintain any farm-to-market roads to meet the present imperative necessity. Now, therefore:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4281g-2 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, is amended to read as follows:

An excise tax of six cents (6¢) per gallon shall be paid on all gasoline received in this state. No other excise or license tax shall be levied or assessed on gasoline by the State or any political subdivision of the State. The tax shall be paid by the dealer receiving the gasoline to the State Treasurer in the manner and within the time herinafter specified. Nothing herein contained shall authorize or require the collection of the tax upon any gasoline after it has been once taxed under the provisions of this section.

§ 2. Section 4281g-3 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, is amended to read as follows:

All taxes collected under the provisions of Section 4281g-2 of Carroll's Statutes shall be paid into the State Treasury. Five-sixths of such amount, or the proceeds of five cents per gallon, shall be credited to the State Road Fund and shall be appropriated as provided in the biennial appropriation Acts. The other one-sixth, or the proceeds of one cent per gallon, shall be distributed every three months through the Department of Revenue to the fiscal courts of the several counties. The apportionment of these funds between the several counties shall be made in exact ratio as each county's area is proportioned to the entire area of the state. The fiscal courts of the several counties may use such funds either for the purpose of the construction, reconstruction, maintenance and repair of county roads, highways and bridges, or for the purpose of meeting and discharging the obligations of county road and bridge bond indebtedness, or for both of these purposes, but may not use any part of these funds for any other purpose whatsoever, under penalty of forfeiture of the right to participate in said allotments.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 138.220, and shall thereafter be treated as an amendment to KRS 138.220 rather than an amendment to § 4281g-2 of Carroll's Statutes, and the words and numbers "specified in KRS 138.230 to 138.340" shall be substituted for the words "hereinafter specified" in section one of this Act; section two of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (2) of KRS 47.010, and shall thereafter be treated as an amendment to subsection (2) of KRS 47.010, to be numbered paragraph (a), rather than an amendment to § 4281g-3 of Carroll's Statutes, and when so substituted the portion of subsection (2) of KRS

47.010 relating to motor vehicles taxes shall become paragraph (b), to read as follows: "All revenue received from the motor vehicle fuel tax imposed by KRS 138.360 shall be credited to the State Road Fund," and the number "KRS 138.220" shall be substituted for the words and numbers "Section 4281g-2 of Carroll's Statutes" in section two of this Act.

§ 4. Owing to the vital need of farm-to-market roads as a means of national defense in this time of war, and owing to the financial difficulties of the majority of the Counties of this State, and owing to the deplorable conditions of thousands of miles of County roads, an emergency is hereby declared to exist and the provisions of this Act shall become effective upon its passage and approval as prescribed by law.

By Mr. J. Lee Moore.

H. B. 68. An Act providing for the payment of funeral or burial benefits in money; providing further that any person regularly licensed to engage in the undertaing business in the Commonwealth of Kentucky may, upon complying with the provisions of this Act, qualify to perform the provisions of any policy or contract of insurance issued by any burial association; providing for the adoption of appropriate forms for the filing of a bond and for annual reports by the Commissioner of Insurance; providing that the designation of a particular undertaker or undertaking concern or an undertaker or undertaking concern out of a particular group by a policy of burial insurance shall be unlawful; providing that policies of burial associations shall be nontransferable and nonassignable; providing that this Act shall not be applicable to policies of burial insurance in existence at the time of the effective date of this Act and declaring the public policy of the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2 of Chapter 33 of the Acts of 1932 is amended to read as follows:

It shall be unlawful for any burial association or any association engaged in the business of issuing contracts, policies or agreements of burial insurance of any kind or character whatsoever or any contracts of a similar nature to issue or cause to be issued any agreement, policy, contract, bond, assurance or guarantee or to have any bylaws which shall provide for the payment of any funeral or burial benefits in merchandise or services, but all payments of benefits thereunder must be made in money.

Any person, firm, corporation, partnership or undertaking concern, duly and regularly licensed to engage in the undertaking business in the Commonwealth of Kentucky who may desire to perform the provisions of any agreement, policy, contract, bond, assurance or guarantee issued by any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky shall file with the Director of the Division of Insurance of the Commonwealth of Kentucky a bond in an amount that is reasonable to be fixed by the Director, which bond shall be conditioned upon the faithful performance of the agreement, policy, contract, bond, assurance or guarantee issued by any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky to its members as approved by the Director. All persons qualifying under this section shall be known and deesignated as "OFFICIAL UNDERTAKERS" authorized to carry out the provisions and receive the benefits in money of any contract issued by any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky.

The Director of the Division of Insurance shall adopt appropriate forms for the filing of the bond provided for

herein and shall, upon request, furnish said forms to any person, firm, corporation, partnership or undertaking concern, duly and regularly licensed to engage in the undertaking business in the Commonwealth of Kentucky, who may desire to qualify under the terms of this section.

The Director of the Division of Insurance shall issue annually a complete list of all undertakers and undertaking concerns in the Commonwealth of Kentucky who have complied with the provisions of this section and shall furnish to any undertaker or any member of any burial association or association of a similar nature operating under the laws of the Commonwealth of Kentucky such list upon request.

It shall be unlawful for any agreement, policy, contract, bond, assurance or guarantee or bylaw of any burial association or association of a similar nature to provide for the payment of benefits or proceeds of any such agreement, policy, contract, bond, assurance or guarantee, or any part thereof, to any designated or particular undertaker or undertaking concern or to any particular or designated tradesman or businessman or to any undertaker, undertaking concern, tradesman or businessman out of any particular or designated group of undertakers, undertaking concerns, tradesmen or businessmen; but any undertaker or undertaking concern authorized to do business in this State and who qualifies under the terms of this section may upon request of the personal representative or family of a deceased member, or any other person having charge of the funeral of any deceased member, perform the provisions of the agreement, policy, contract, bond, assurance or guarantee and upon such performance shall be entitled to receive the benefits and proceeds provided for therein.

No agreement, policy, contract, bond, assurance or guarantee of any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky shall be transferable or assignable nor shall the benefits or any part thereof be transferable or assignable.

It is hereby declared to be the public policy of the Commonwealth of Kentucky that the designation of particular undertakers or undertaking concerns or groups of particular undertakers or undertaking concerns by contracts of burial insurance constitutes unreasonable restraint of trade between undertakers and is contrary to the public policy of the Commonwealth.

The provisions of this section shall not be applicable to any agreement, policy, contract, bond, assurance or guarantee in existence at the time of the effective date of this section.

§ 2. Chapter 150 of the Acts of 1938 is repealed.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act, shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 303.120, and shall thereafter be treated as an amendment to KRS 303.120 rather than an amendment to section 2 of Chapter 33 of the Acts of 1932.

By Mr. Freeman.

H. B. 69. An Act relating to game.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 Section 1954d-57 of Baldwin's Kentucky Statutes Service, as amended by Section 7 of Chapter 88 of the Acts of 1930, is amended to read as follows:

Open Season. Penalty for Taking, or Possession at Other Times.

Any person who takes or has in his possession in this state any wild animal protected by this Act except during open season for the particular species provided herein, shall be deemed guilty of a misdemeanor and upon conviction therefor before a court of competent jurisdiction shall be

fined not less than fifteen ($15.00) dollars nor more than one hundred ($100.00) dollars for each offense. Said open seasons are as follows:

For mink, opposum, raccoon, skunk and muskrat, November 1 to Januaray 1, inclusive. Otter, beaver, no open season. Squirrel, August 1 to October 31 inclusive. Rabbits, November 1 to January 9, inclusive. Red Fox, November 1 to December 31 inclusive.

§ 2. Section 1954d-58 of Baldwin's 1938 Kentucky Statute Service is amended to read as follows:

Any person who hunts red fox with dogs, at night, for sport and not to kill is specifically excepted from the provisions of § 1954d-57, (except that this provision shall not apply to licensed fur dealers and trappers or hunters who may have in their possession at any time pelts of animals protected by this Act which were caught in open season.)

§ 3. Section 1954d-70 of Baldwin's 1938 Kentucky Statute Service is amended to read as follows:

The having in possession of any of the wild animals or fur bearers contrary to the provisions of this Act shall be prima facie evidence of guilt under this Act, provided further that nothing in this section shall be construed to prohibit the having in possession of any raccoon, opossum, skunk, muskrat or mink, or fur thereof, taken or killed in the open season for same between January 1 and February 15, both dates inclusive.

§ 4. If the Kentucky Reveised Statutes are enacted at the present session of the General Assembly, sections one, two and three of this Ast shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species. No person shall have in possession any wild animal or freshly skinned hide or fur thereof unless it was taken

during the open season for the particular species. The open season for mink, opossum, raccoon, skunk, and muskrat shall be November 1 to January 1; for squirrel, August 1 to October 31; for rabbits, November 1 to January 9; and red fox, November 1 to December 31. There shall be no open season for otter and beaver.

(2) Subsection (1) shall not apply to persons who hunt red fox at night with dogs for sport and not to kill; but this exception in favor of sportsmen shall not extend to anyone engaged in the business of a fur dealer or a trapper or professional hunter.

(3) The possession of any wild animals, fur bearers, or the freshly skinned hide or fur thereof, when the season is not open, shall be prima facie evidence that the animal was taken out of open season, but this presumption shall not apply to the possession of any raccoon, opossum, skunk, muskrat or mink, or freshly skinned hide or fur thereof, between Januaary 1 and February 15.

The provision so substituted by this section shall thereafter be treated as an amendment to KRS 150.270 rather than an amendment to §§ 1954d-57, 1954d-58 and 1954d-70 of Baldwin's Supplement, and KRS 150.990 shall remain in full force and effect and shall not be treated as affected by this Act.

By Mr. Grace.

H. B. 70. An Act relating to motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2739g-82 of Carroll's Kentucky Statutes, 1936 Edition, is amended to real as follows:

No person shall operate on any highway any motor truck or semi-trailer truck whose gross weight, including load ex-

ceeds eighteen thousand (18,000) pounds; provided, however, that said limitation of eighteen thousand (18,000) pounds is increased to twenty-eight thousand (28,000) pounds in the case of such operation over National Emergency Highways or portions thereof, as described in Section 3 of this Act, during the remainder of the period of National Emergency which was declared to exist by proclamation of the President of the United States dated May 27, 1941, and provided, however, in no event or circumstance shall the gross weight including load of any truck or semi-trailer truck, exceed six hundred (600) pounds per inch of the combined width of the tires upon which such truck may be propelled, or shall the gross weight including load of any such vehicle exceed sixteen thousand (16,000) pounds per each axle of such vehicle.

§ 2. That 2739g-85 of Carroll's Kentucky Statutes, 1936 Edition, is amended to read as follows:

No person shall operate on any highway any motor truck whose length, including any part of body or load, exceeds twenty-six and one-half (26½) feet, nor any semi-trailer truck whose length including any part of body or load shall exceed thirty (30) feet, provided however, that said limitation of thirty (30) feet for a semi-trailer truck is increased to thirty-three (33) feet in the case of such operation over a National Emergency Highway or portions thereof as herein after described in Section 3 hereof.

§ 3. (1) The Commissioner of Highways may, by orders duly issued in accordance with the provisions of subsection (2) of this section, designate from time to time particular highways or portions thereof in this state as National Emergency Highways, and from time to time thereafter may by like order change any such designation in part or cancel it entirely.

(2) The Commissioner of Highways shall make such designations as in his judgment will best promote the public interest, after considering the following:

(a) The need for the operation of motor vehicles weighing more than eighteen thousand (18,000) pounds, or of a length in excess of thirty (30) feet, on account of National Defense and the preparation therefor;

(b) The physical characteristics of each such highway and the bridges thereon, and the extent to which they would be damaged by operation of such heavier motor vehicles;

(c) The effect upon the safety of the public in the use of such highways caused by the operation thereon of heavier or longer motor vehicles than are now permitted by law.

§ 4. At the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States, dated May 27, 1941, section one of this Act shall stand repealed and thereafter § 2739g-82 of Carroll's Kentucky Statutes, 1936 Edition, shall read as follows:

No person shall operate on a highway any motor truck or semi-trailer truck whose gross weight, including the load, exceeds eighteen thousand pounds.

§ 5. At the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States, dated May 27, 1941, section two of this Act shall stand repealed and thereafter § 2739g-85 of Carroll's Kentucky Statutes, 1936 Edition, shall read as follows:

No person shall operate on any highway any motor truck whose length, including any part of the body or load, exceeds twenty-six and one-half feet, nor any semi-trailer truck whose length, including any part of the body or load, exceed thirty feet.

§ 6. At the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States, dated May 27, 1941, section three of this Act shall stand repealed.

§ 7. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, sections one and four of this Act shall, upon the taking effect of the Kentucky

Revised Statutes, be substituted in place of KRS 189.220, and shall thereafter be treated as an amendment to KRS 189.220 rather than an amendment to § 2739g-82 of Carroll's Statutes, and the number "KRS 189.220" shall be substituted for "§ 2739g-82 of Carroll's Kentucky Statutes, 1936 Edition," in section four of this Act.

§ 8. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, sections two and five of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (3) of KRS 189.180, and shall thereafter be treated as an amendment to subsection (3) of KRS 189.180 rather than an amendment to § 2937g-85 of Carroll's Statutes, and the number "KRS 189.180 (3)" shall be substituted for "§ 2739g-85 of Carroll's Statutes, 1936 Edition," in section five of this Act.

§ 9. Because the Nation is now engaged in preparation to defend this Country and its people from the aggression of foreign dictators, an emergency is declared to exist, and this Act shall become effective for all purposes when approved by the Governor.

By Mr. Grace.

H. B. 71. An Act prohibiting deficiency judgments.

Said bill is as follows, vis.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Whenever any money, property or thing of value is loaned and the repayment thereof is secured by a mortgage or lein upon real estate and it shall thereafter be necessary to reduce said debt to judgment in a Court of competent jurisdiction, only such real estate as is mentioned or described and embraced in the instrument of writing which is evidence of said mortgage or lien to secure the repayment of said loan, shall be liable for said debt and no deficiency judgment shall be allowed or permitted.

By Mr. Combs.

H. B. 72. An Act relating to trained nurses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That § 3727a-5 Kentucky Statutes, Baldwin's 1936 Edition, be amended and re-enacted so that when so amended and re-enacted the same shall read as follows:—

It shall be the duty of the board to meet for the purpose of holding examinations not less than once in each year at such time and such place as they may determine, and the board may adopt rules for its government and examination of applicants for registration in accordance with the provisions of this act. Notices of the meetings of said board shall be published in two newspapers of general circulation and in at least one journal devoted to the interests of professional nursing, and after applications are received, notices by mail to every applicant and to every reputable training school in this state at least thirty days prior to the meeting. At such meeting it shall be the duty of said board to examine all applicants for registration under the provisions of this act as are required to be examined, and to issue to each duly quailfied applicant which shall have complied with the provisions of this act and passed such examination a certificate of registration. Any person to whom a certificate of registration shall be issued shall, within thirty days thereafter, cause the same to be recorded with the county court clerk of the county in which such person resides at the time of application, and such person shall be prepared, whenever requested, to exhibit such certificate or certified copy thereof. Registered nurses changing residence in this State must present a certificate of registration to the county clerk of their new residence within thirty days of the time of establishing such new residence. All applicants for registration shall furnish

satisfactory evidence that he or she is at least 21 years of age, of good moral character, and has been graduated from a school for nurses connected with a special hospital affiliated with an infirmary or general hospital, or infirmary or general hospital approved by said board, where a systematic course of at least three years' instruction is given and such applicant shall produce satisfactory evidence that he or she had at least one year's training in a high school or some school equivalent to a high school, except in cases hereinafter provided for, and all persons registered under the provisions of this act shall pay to the treasurer of said board a registration fee of ten dollars ($10.00) which shall accompany the application, and shall annually thereafter pay to said treasurer a renewal fee of two dollars ($2.00). The failure to pay the renewal fee of $2.00 for a period of one year shall forfeit such registration certificate. The said registration certificate may be renewed at any time without examination upon the payment of all registration fees in arrears.

The said board shall have full discretion to determine whether any hospital or infirmary, with which applicants must have been connected, meets the requirements of this act, and if said board is of the opinion that any such hospital or infirmary does not furnish the proper training or instruction to applicants having been connected therewith, the board may refuse to register such applicants.

Any certificate, issued in another state under the laws of such state requiring registration which may be obtained in such state under like or similar standard to that required in this state shall be recognized by said board as valid in this state: Provided the certificates of registration issued in this state are recognized in such other state, and any nurse holding such certificate from another state may be registered in this state without examination upon the payment of a fee of Ten ($10.00) Dollars.

§ 2. If the Kentucky Revised Statutes are enacted at

the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

"A license fee of ten dollars, payable to the secretary-treasurer of the board, shall accompany every application for a license. Every licensee shall pay to the secretary-treasurer a renewal fee of two dollars annually thereafter. Failure to pay the renewal fee within one year after its due date shall work a forfeiture of the license. A license so forfeited may be renewed at any time without examination upon the payment of all renewal fees in arrears." The provision so substituted by this section shall thereafter be treated as an amendment to KRS 314.060 rather than an amendment to § 3727a-5 of Carroll's Statutes, and KRS 314.030, 314.040, 314.100, 314.150 and 314.180 shall remain in full force and effect and shall not be treated as affected by this Act.

§ 3. WHEREAS, the existing national emergency has caused a shortage of nurses and has had a marked effect upon the economic status of the nursing profession that requires immediate remedy, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

By Mr. C. W. Anderson, Jr.

H. B. 73. An Act relating to minimum fair wages for women and minors and amending paragraph "e" of Section 4767a-1 of Baldwin's 1938 Kentucky Statute Service.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Paragraph "e" of § 4767a-1 of Baldwin's 1938 Kentucky Statute Service is amended to read as follows:

"Occupation" means an industry, trade, domestic serv-

ice or business or branch thereof or class of work therein in which women or minors are gainfully employed, but does not include labor on a farm.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of paragraph (c) of subsection (3) of KRS 337.010, and thereafter be treated as an amendment to paragraph (c) of subsection (3) of KRS 337.010 rather than an amendment to paragraph "e" of § 4767a-1.

By Mr. Crowe.

H. Res. 12. Resolution authorizing Carl K. Giles to file suit against the Commonwealth of Kentucky.

WHEREAS on December 5th, 1941 at the Central State Hospital at Lakeland, Kentucky Carl K. Giles, an employee of the Commonwealth of Kentucky, was severely injured due to the alleged carelessness and negligence of the agents, and/or employees of the Commonwealth of Kentucky in furnishing to the said Carl K. Giles old and defective equipment with which to work.

NOW in order that the said Carl K. Giles may have his day in Court to determine by judicial action the question of negligence, if any, causing said injuries aforesaid.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Carl K. Giles, or in the event of his death before or during the prosecution of this action to its final conclusion, his executor or administrator, be and he is hereby empowered and authorized to file and prosecute appropriate actions against the Commonwealth of Kentucky, for the purpose of determining the liability of the Commonwealth of Kentucky

for such injury, if any there be; and in the event any judgment in the action is recovered by said Carl K. Giles, or same be compromised or settled, same shall be paid by the Commissioner of Finance by warrant drawn on the State Treasurer, and paid out of the general fund. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Such action may be brought in any county of Kentucky having jurisdiction of the parties and subject matter.

Nothing contained in this Resolution shall be considered by either the Court or jury as substantive evidence on the merits of the alleged claim, and the Court shall instruct the jury that the Resolution authorizing this suit shall not be considered as an admission by the Commonwealth of Kentucky of any liability on the part of the Commonwealth of Kentucky, nor an admission that any verdict of any kind whatsoever shall be rendered for the Plaintiff.

In the even that any suit is filed under this resolution the amount of recovery is limited to the sum of Three Thousand Dollars.

By Mr. Jarboe.

H. Res. 13. A JOINT RESOLUTION authorizing Mrs. C. M. Summers, Jr., of Lebanon, Marion County, Kentucky to sue the Commonwealth of Kentucky:

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. C. M. Summers, Jr., is authorized to sue the commonwealth of Kentucky in the Marion County Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Com-

monwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $20.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolutions be printed and referred.

The Speaker announced that he had referred bills and resolutions previously introduced in this House, as follows, viz.:

H. B. 43. To Committee on Education No. 1.

H. B. 44. To Committee on Motor Transportation.

H. B. 45. To Committee on Kentucky Statutes No. 1.

H. B. 47. To Committee on Revenue and Taxation No. 1.

H. B. 48. To Committee on Circuit Courts.

H. B. 49. To Committee on Education No. 1.

H. B. 50. To Committee on Roads and Highways No. 1.

H. B. 51. To Committee on Criminal Law.

H. B. 52. To Committee on Criminal Law.

H. B. 53. To Committee on Education No. 1.

H. B. 54. To Committee on Kentucky Statutes No. 1.

H. B. 55. To Committee on Revenue and Taxation No. 1-A.

H. B. 56. To Committee on Banks and Banking.

H. B. 57. To Committee on Kentucky Statutes No. 1.

H. B. 58. To Committee on Agriculture No. 1.

H. B. 59. To Committee on Roads and Highways No. 1.

H. B. 60. To Committee on Kentucky Statutes No. 1.

H. B. 61. To Committee on Kentucky Statutes No. 1.

H. B. 62. To Committee on Veterans Legislation.

S. B. 2. To Committeee on Appropriations No. 1.

H. Rec. 5. To Committee on Claims.

H. Res. 6. To Committee on Claims.

H. Rec. 7. To Committee on Claims.

H. Res. 8. To Committee on Claims.

H. Res. 10 To Committee on Appropriations No. 1.

Mr. Simpson of the Committee on Education No. 1 to which the same had been referred, reported a bill entitled:

H. B. 40. An Act relating to public education.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 2. An Act relating to public education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The special fund appropriated out of the general fund for the purpose of equalizing educational service in local school districts shall be distributed and administered under the direction of the Superintendent of Public Instruction, with the approval of the State Board of Education, as provided in this act.

§ 2. Any board of education that has had its budget and salary schedule approved by the State Board of Education as provided by law and has levied the maximum school tax permitted by law, shall have the privilege of applying for aid from this special fund. Such application shall be filed with the Superintendent of Public Instruction on or before Januaary 15 of each year except the year 1942, and previous to May 15, 1942.

§ 3. The Superintendent of Public Instruction shall make a careful study to determine the maximum amount of revenue that is available annually for the education of each

child in average daily membership in the public schools in each school district in Kentucky. Such study to be used as the basis for the distribution of moneys from the special fund for the school year 1942-43, shall be based upon records and reports for the school year ending June 30, 1941. Thereafter this study shall be made annually in the same manner. If the Superintendent of Public Instruction finds that a board of education is unable to provide an average of thirty dollars ($30) per year for the education of each child in average daily membership in its district, then the Superintendent of Public Instruction with the approval of the State Board of Education shall prorate from the funds appropriated for this purpose an amount sufficient to enable such board of education to provide an income of thirty dollars ($30) per year for the education of each child in average daily membership in such school district. In the event that the amount appropriated for this purpose is not sufficient to permit an allotment to each board of education of the full amount necessary to provide an income of thirty dollars ($30) per year per pupil in average daily membership, then the amount appropriated shall be distributed to all school districts which qualify for such aid on a percentage basis to be determined by the ratio of the funds appropriated for this purpose to the total amount necessary to provide an income of thirty dollars ($30) per child in average daily membership in the public schools of the entire Commonwealth.

§ 4. The special fund shall be allotted to the local boards of education which meet the provisions of this Act by the Superintendent of Public Instruction with the approval of the State Board of Education on or before April 1, prior to the beginning of each school year except in 1942, when such allotment shall be made on or before June 1. The funds so allotted shall be distributed to the local boards of education regularly as a supplement to the state per capita funds provided for such districts.

§ 5. The Superintendent of Public Instruction with the

approval of the State Board of Education shall prescribe rules and regulations governing the administration and expenditures of any moneys allotted to local school districts from this special fund. The money allotted to any local board of education under the terms of this Act shall be received and held and expended by it under the same liability and responsibility as provided by law for other funds which come into the hands of such board.

Mr. Ward moved that the Superintendent of Public Instruction be invited to appear before the House to discuss the merits of said bill.

Without objection the motion as made by Mr. Ward was withdrawn.

Mr. Bolling moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispendsed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	William F. Ball	Douglas T. Bolling
George P. Anderson	W. T. Beard	H. M. Brock, Jr.
Henry Arrowood	Rell Bevins	Gus A. Brooks

Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
W. W. Freeman
Joseph J. Grace
Bert P. Hall
A. G. Hamilton, Jr.
Fuller Harding
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
Chas. O. Humston
W. H. Hunt
Joe B. Jarboe, Jr.
Crow Jarvis
William L. Jones
W. A. Lamkin
H. W. Linville
A. L. Love
William Lovett
Harry K. Lowman
Hugh D. Lyon
Cary McDevitt
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
Sam Milam
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Otto Smither
Charles L. Spilman
James D. Stacey
J. Claude Stacy
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
Erna E. Tyra
S. J. Wagner
C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson
Stanley S. Dickson, Speaker

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Resolved that the title thereof be as aforesaid.

Mr. Ward moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Beard of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a resolution of the following title, viz.:

H. Res. 3. Resolution appropriating additional compensation for officers and employees of the House and Senate.

Thereupon all other business was suspended, said resolution was read at length and compared in open session and found to be correctly enrolled and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk deliver said resolution to the Senate.

After a time the Enrolling Clerk of this House delivered the original and enrolled copies of said resolution duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 46. An Act relating to State Warrants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (a) No state warrant shall be issued, reissued or continued in force if by its issuance, reissuance or continuance in force the total fact amount of outstanding state warrants at the time will exceed the sum of Five Hundred Thousand ($500,000) Dollars.

(b) Any state warrant issued, reissued or continued in force in violation of this act shall be considered a debt in excess of the limitations of the Constitution of Kentucky, and shall be void.

(c) This is not intended to, nor shall it be construed so as to invalidate or affect the validity of any state warrant outstanding at the time of the effective date of this act.

Section 2. Since there is immediate need to limit the issuance of state warrants in order to prevent extravagance and unwise borrowing, and it is the intention of the legislature to prevent the issuance of any warrant in violation of this act an emergency is declared to exist and this act shall take effect immediately upon its passage and approval by the Governor.

Mr. Walters moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	W. T. Beard	Sherman E. Carter
George P. Anderson	Rell Bevins	C. L. Clayton
Henry Arrowood	Douglas T. Bolling	T. Fowler Combs
William F. Ball	H. M. Brock, Jr.	Oris Cooper
Robert E. Barry	Gus A. Brooks	M. A. Cornett

John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
W. W. Freeman
Joseph J. Grace
A. G. Hamilton, Jr.
Fuller Harding
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
Chas. O. Humston
W. H. Hunt
Joe B. Jarboe, Jr.
Crow Jarvis
William L. Jones
W. A. Lamkin
H. W. Linville
A. L. Love
Harry K. Lowman
Hugh D. Lyon
Cary McDevitt
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
B. W. Porter
Kleber F. Price
L. Allen Rhoads
Dr. J. J. Rice
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Otto Smither
Charles L. Spilman
James D. Stacey
R. C. Stephenson
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
Erna E. Tyra
S. J. Wagner
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson
Stanley S. Dickson, Speaker
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Resolved that the title thereof be as aforesaid.

Mr. Walters moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had adopted a resolution which originated in that body, as follows, viz.:

Be it Resolved by the Senate, the House concurring:

That, when the General Assembly adjourns on Thursday, January 15, 1942, it do adjourn to convene again on Tuesday, January 20, 1942 at the hour of twelve o'clock noon.

Said resolution was concurred in by the House.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 27. An Act relating to State Warrants.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. Sections 4688a-2, 4688a-3 and 4688a-6 of Carroll's Kentucky Statutes, 1936 edition, are consolidated into one section and amended to read as follows:

Whenever any warrant issued by the Department of Finance is presented to the Treasurer for payment, and the funds appropriated for the purpose for which the warrant was issued are exhausted, the Treasurer shall make the warrant interest-bearing as of the date it was presented for payment. The Treasurer, with the written approval of the Governor and the Commissioner of Finance, shall fix the interest at the lowest rate possble, taking into consideration the current money market, but the rate of interest shall not exceed five percent. The Treasurer may contract with any purchaser or holder of such warrant to accept interest at a lower rate than that received by other holders. Interest-bearing warrants shall draw interest from the date they were presented for payment until they become due and payable or are called for payment.

Sec. 2. Section 4688a-4 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

The State Treasurer shall have the right to call interest-bearing warrants for payment at any time he has sufficient funds on hand to pay said warrants before they become due and payable. The call of the Treasurer shall be published by him for ten consecutive days in a daily newspaper pub-

lished in this state, and no warrant so called in shall bear interest after the expiration of the publication. The Treasurer may pay warrants due according to the date of issue, if presented without awaiting such publication.

Sec. 3. The State Treasurer, with the written approval of the Governor and the Commissioner of Finance, may issue original interest-bearing warrants in anticipation of state revenues for the current fiscal year, and may use the proceeds of such warrants to meet current expenses of the state as they accrue, or to pay off and discharge interest-bearing warrants becoming due before sufficient revenues have accrued for that purpose during the fiscal year. The total face amount of interest-bearing warrants issued in any fiscal year when added to all other warrants issued during any fiscal year, in the aggregate amount of all such warrants, shall not exceed ninety percent of the total amount of the budget funds provided for the operation of the state government for the current fiscal year. Any interest-bearing warrants issued in violation of this section shall be illegal, null and void. The Governor and Commissioner of Finance in giving their written approval to the issue of interest-bearing warrants shall take into consideration estimated current revenues, and, if it appears that there is going to be a failure of revenues, shall not approve the issuing of any interest-bearing warrants that would bring about an overdraft.

Sec. 4. The State Treasurer shall fix the due date of each original interest-bearing warrant, with the written approval of the Governor and Commissioner of Finance, from his knowledge of when current revenues for the fiscal year will accrue for its payment, or, if the warrant is to be paid from other funds, from his knowledge of when those funds will be received by the state.

Sec. 5. The State Treasurer with the written approval of the Governor and Commissioner of Finance, shall provide the forms of all interest-bearing warrants issued under the provisions of this Act.

Sec. 6. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, sections one and two of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted, respectively, in place of KRS 41.180 and 41.190, and shall thereafter be treated as amendments to KRS 41.180 and 41.190 rather than amendments to §§ 4688a-2, 4688a-3, 4688a-4 and 4688a-6 of Carroll's Statutes.

Mr. Bowling moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	T. Fowler Combs	W. W. Freeman
George P. Anderson	Oris Cooper	Joseph J. Grace
Henry Arrowood	M. A. Cornett	Bert P. Hall
William F. Ball	John Henry Cox	A. G. Hamilton, Jr.
W. T. Beard	Rev. W. W. Crouch	E. R. Hilton
Rell Bevins	Guthrie F. Crowe	Clyde S. Howard
Douglas T. Bolling	Dr. J. A. Duff	Jerry F. Howell
H. M. Brock, Jr.	Forest C. Easley	Chas. O. Humston
Gus A. Brooks	Harry W. Ennis	W. H. Hunt
Sherman E. Carter	John D. Fields	Joe B. Jarboe, Jr.
C. L. Clayton	T. P. Fitzpatrick	Crow Jarvis

William L. Jones
W. A. Lamkin
H. W. Linville
A. L. Love
William Lovett
Harry K. Lowman
Hugh D. Lyon
Cary McDevitt
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Otto Smither
Charles L. Spilman
James D. Stacey
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
Erna E. Tyra
S. F. Wagner
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson
Stanley S. Dickson, Speaker

Resolved that the title thereof be as aforesaid.

Mr. Bolling moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Ward moved that the House do now recess for fifteen minutes.

Said motion was agreed to.

And then the House recessed.

Fifteen minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. J. Lee Moore moved that when the House adjourn today, it adjourn out of respect to the memory of General

Robert E. Lee and out of respect to Mr. Harry Lee Waterfield from the county of Hickman, whose birthday falls on January 19.

Said motion was agreed to.

Mr. Ward moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Henry Ward of the Committee on Kentucky Statutes No. 1.

H. B. 9. An Act relating to holidays.

Without an expression of opinion.

By Mr. Combs of the Committee on County and City Courts.

M. B. 32. An Act relating to the fiscal year of counties, amending Sec. 907a of Carroll's Kentucky Statutes, 1936 Edition.

Without an expression of opinion.

By Mr. J. Lee Moore of the Committee on Appropriations No. 1.

S. B. 2. An Act appropriating money from the General Fund of the Commonwealth of Kentucky for the fiscal year ending June 30, 1942, etc.

With a Committee Amendment thereto.

By Mr. Scheben of the Committee on Constitutional Amendents.

H. B. 6. An Act to provide for an Amendment to the Constitution of Kentucky.

By Mr. Tinsley of the Committee on Roads and Highways No. 1.

H. B. 59. An Act relating to city streets, viaducts and bridges.

By Mr. Mefford of the Committee on Circuit Courts.

H. B. 48. An Act to change and fix the time of terms of court in the Tenth Judicial District.

With the expression of opinion that said bills ought to pass with the exception of those specifically set out above.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Ward moved that the Rules of this House be suspended for the purpose of introducing bills and resolutions.

Said motion was agreed to.

Thereupon the following bills and resolutions were introduced, viz.:

By Mr. McPherson.

H. B. 74. An Act to amend Sec. 496 of Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That § 496 of Carroll's Kentucky Statutes, 1936 Edition, be and the same is hereby amended to read as follows:

No deed or deed of trust or mortgage conveying a legal or equitable title to real or personal estate shall be valid against a purchaser for a valuable consideration, without notice thereof, or against creditors, until such deed or mortgage shall be acknowledged or proved accordinag to law and lodged for record.

The word "creditors" as used herein shall include all creditors, whether antecedent or subsequent, irrespective of whether or not they may have acquired a lien by legal or equitable proceedings or by voluntary conveyance.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 382.270, and thereafter be treated as an amendment to KRS 382.270 rather than an amendment to § 496 of Carroll's Statutes.

By Mr. McPherson.

H. B. 75. An Act to amend Section 256 of the Constitution of the Commonwealth of Kentucky relating to amendments to said Constitution.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifts of all the members elected to each House of the General Assembly of the Commonwealth of Kentucky, the yeas and nays being

taken thereon and entered in full on their respective journals, Section 256 of the Constitution of the Commonwealth of Kentucky be, and the same is amended to read as follows:

Amendments to this Constitution may be proposed in either house of the General Assembly at a regular session, and if such amendment or amendments shall be agreed to by three-fifths of all the members elected to each house, such proposed amendment or amendments, with the yeas and nays of the members of each house taken thereon, shall be entered in full in their respective journals. Then such proposed amendment or amendments shall be submitted to the voters of the state for their ratification or rejection at the next general election for members of the house of representatives, the vote to be taken thereon in such manner as the General Assembly may provide, and to be certified by the officers of election to the secretary of state in such manner as shall be provided by law, which vote shall be compared and certified by the same board authorized by law to compare the polls and give certificates of election to officers for the state at large. If it shall appear that a majority of the votes cast for and against an amendment at said election was for the amendment, then the same shall become a part of the Constitution of this Commonwealth, and shall be so proclaimed by the Governor, and published in such manner as the General Assembly may direct. Said amendments shall not be submitted at an election which occurs less than ninety days from the final passage of such proposed amendment or amendments. Not more than five amendments shall be voted upon at at any one time. Nor shall the same amendment be again submitted within five years after submission. Said amendments shall be so submitted as to allow a separate vote on each, and no amendment shall relate to more than one subject. But no amendment shall be proposed by the first General Assembly which convenes after the adoption of this Constitution. The approval of the Governor shall not be necessary to any bill, order, resolution or vote of the Gen-

eral Assembly, proposing an amendment or amendments to this Constitution.

§ 2. This amendment shall be submitted to the voters of the Commonwealth for their ratification or rejection at the next general election (1943) for members of the House of Representatives as provided for under Section 256 of the Constitution of Kentucky, and under Chapter 38 of the Acts of 1940, or if the Kentucky Revised Statutes are adopted, under KRS 118.430.

By Mr. Barry.

H. B. 76. An Act regulating the letting of certain contracts for the erection, construction and alteration of public buildings.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In the preparation of specifications for the erection, construction and alteration of any public building, when the entire cost of such work exceeds one thousand dollars, the architect, engineer or other person preparing such specifications shall prepare separate specifications for the plumbing, heating, ventilating and electrical work and the persons authorized to enter into contracts for the erection, construction or alteration of such public buildings shall receive separate bids upon each of said branches of work and shall award the contract for the same to the lowest responsible bidder for each of said branches.

By Mr. Simpson.

H. B. 77. An Act relating to dogs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Sections 68b-1 to 68b-38 of Carroll's Kentucky Statutes, 1936 Edition, Chapter 5 of the Acts of 1940, and Chapter 132 of the Acts of 1940 are repealed.

2. DEFINITIONS. As used in this Act, unless the content requires otherwise: (1) Live stock shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine. (2) Poultry shall include all domestic fowl. (3) Person shall include state and local officers or employees, individuals, corporations, co-partnerships and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter. (4) Owner, when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him. (5) Kennel shall mean any establishment wherein on whereon dogs are kept for the purpose of breeding, boarding, sale or sporting purposes. (6) Dog Warden shall mean the officer duly appointed by the proper authorities in a particular county and whose duty it is to enforce this law in that county. (7) Commissioner shall mean the Commissioner of Agriculture, Labor and Statistics. (8) Department shall mean the Department of Agriculture, Labor and Statistics. (9) Dog shall mean all members of the canine family 8 months or more of age; also pet foxes, wolves, etc. (10) Inoculation shall mean the injection, subcutaneously or otherwise as approved by the State or County Health Office and the State Veterinarian, of canine antirabies vaccine, such vaccine to be approved by the State Veterinarian before such vaccine may be used within the confines of the Commonwealth. (11) Committee

shall mean the Supervisory Committee and Appeals Board as herein created.

3. APPOINTMENT OF DOG WARDEN. Upon the enactment of this law, the Supervisory Committee and Appeals Board, as herein provided for, in each county, may appoint a Dog Warden for each County in the Commonwealth. When appointed, such Dog Warden shall hold office at the pleasure of the Supervisory Committee and Appeals Board of the county so appointing and until such time as his successor is appointed.

4. DUTIES OF DOG WARDEN. It shall be the duty of each Dog Warden to license all dogs in the county in which he is appointed and when the Supervisory Committee and Appeals Board of the County has decreed that dogs in such county shall be inoculated, as herein provided, such licenses to be issued only after presentation by the owner of a certificate signed by accredited Veterinarian certifying that such dog has been inoculated as herein provided.

It shall be the duty of the Dog Warden of the county to sieze and impound any dog or dogs which are found running at large and which does not bear a proper license tag. The Dog Warden shall cause any dog bearing a proper license tag and so seized and impounded to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person from whom or from whose premises the dog was taken or in whose name the license was procured, or his agent to claim such dog, within ten days. And upon oath or affirmation before the County Judge, showing probable cause that any person is owner of or is harboring any unlicensed dog or dogs, such County Judge shall issue to the Dog Warden of the county a search warrant to search the premises of such person and to seize said unlicensed dog or dogs, describing such person, premises and dog or dogs as nearly as may be, and it shall be the duty of Dog Warden to go upon the premises of such person for the purpose of ascertatining if such person is the owner of or is

harboring any unlicensed dog or dogs, and if such officer find any unlicensed dog or dogs the officer shall seize and impound said dog or dogs, as is above provided, and he shall give notice as above provided.

If, after ten days from the giving of such notice, such dog has not been claimed, the Dog Warden shall dispose of such dog by sale or by destruction in some humane manner. All money derived from the sale of such dog, after deducting the expenses of its detention, shall be paid to the Dog Warden and by him placed in the County Live Stock Fund.

5. LICENSE TAXES, WHEN DUE. All license taxes hereinafter provided shall be receivable and license tags procurable on or before January first of the year for which the license is purchased.

6. LICENSE APPLICATION—PROVISIONS. On or before the first day of January of each year after the enactment of this law, the owner of any dog shall apply to the Dog Warden of the county, in which the owner resides, either orally or in writing, for a license for each such dog owned or kept by him. Such application shall state the breed, sex, age, color and markings of such dog, and the name and address of the last previous owner.

7. LICENSE FEES. The application for license shall be accompanied by a fee of One Dollar ($1.00) for each male dog and Two Dollars ($2.00) for each female dog. The license fee for a spayed female dog shall be the same as that of a male dog; provided that the owner presents a certificate from a licensed veterinarian stating that he had spayed said female dog. The Veterinarian's certificate shall state the breed, age, color and markings of and the date on which said female dog was spayed.

8. LICENSE FORMS AND TAGS. All licenses shall be issued on a form prepared and supplied by the Commissioner to the Dog Warden. Such license shall be dated and numbered, and shall bear the name of the county issuing it

and a description of the dog licensed. All licenses shall be used on the first day of January of the following year. The Commissioner shall furnish the Dog Warden of each county, with each license, a metal tag. Such tag shall be affixed by the owner to a substantial collar and shall at all times be kept on the dog for which the license is issued. The tag shall be given by the Warden to the owners of dogs at the time the license fee for such dog is paid. Such tags shall be of metal and shall bear the name of the county issuing it, and a serial number corresponding with the number of the license issued to said owner. Such tags shall also have impressed thereon the calendar year for which such tag is issued, and shall be equipped with a substantial metal fastening device. The general shape of said tag shall be changed from year to year. Said blank license and said metal tags shall be paid for by the county for which said license and tags are issued.

If any such tag is lost it shall be replaced without cost by the Dog Warden upon application by the person to whom the original license was issued, and upon production of such license.

9. DOGS ACQUIRED AFTER JANUARY FIRST. Any person becoming the owner, after the first day of January of any year, of any dog which has not already been licensed, shall forthwith apply for any secure a license for such dog in the same manner as provided in Sections Five and Six of this Act.

10. TRANSFER OF LICENSES. No license or license tag issued for one dog shall be transferable to another dog, except as provided in Section 10 of this Act. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred upon notice given to the Dog Warden. The procurement of a new license or the transfer of a license already secured shall not be required when the possession of a dog is temporarily

transferred for the purpose of hunting game, or for breeding, trial, or show, in this Commonwealth.

11. TRANSFER FROM COUNTY TO COUNTY. Whenever any dog licensed in one county is permanently removed to another county, the Dog Warden of the county where the license was issued shall, upon the application of the owner or keeper of such dog, certify such license to the Dog Warden of the county to which the dog was removed. Such Dog Warden shall thereupon, upon payment of a fee of twenty-five cents, issue a license and tag for such dog in the county to which it is removed.

This section shall not apply to dogs used during the hunting season for hunting game, or temporarily for breeding, trial or show in the Commonwealth; nor to the transportation of dogs for hunting, breeding, trial, or show purposes, the home county license holding good for such purposes throughout the Commonwealth.

12. KENNEL LICENSES. Any person who keeps or operates a kennel may, in lieu of the license for each dog required by this Act, apply to the Dog Warden for a kennel license, entitling him to keep or operate such kennel. Such license shall be issued by the Dog Warden on a form prepared and supplied by the Commissioner of Agriculture to the Dog Warden and shall entitle the licensee to keep any number of dogs not at any time exceeding a certain number to be specified in the license. The fee to be paid for each kennel license shall be ten ($10.00) dollars for ten dogs or less, and twenty-five ($25.00) dollars for more than ten dogs permitted to be kept under the kennel license. With each kennel license the Dog Warden shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tag for the same year. But no kennel license shall be issued or be valid unless the person applying for same is the owner of

all dogs kept in the kennel or the persons so applying are the owners in common of all dogs kept in the kennel, or, in the case of a boarding kennel, the person so applying shall be the owner of the kennel. And it shall not be necessary for tags to be issued for use on dogs boarded therein, it being specifically understood that the fee required in the case of a boarding kennel is for the privilege of operating such kennel. Any dog authorized to be kept under a kennel license and which is not actually kept in the kennel for which he is licensed shall be considered as if never licensed under this Act.

13. RULES GOVERNING KENNEL LICENSES. Except in the case of a boarding kennel, the licensee of a kennel shall, at all times, keep one of such tags attached to a collar on each dog kept by him under a kennel license. Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel.

This section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

14. DOGS FOR TRIAL, SHOW AND BREEDING PURPOSES. Any person may bring or cause to be brought into the State, for a period of thirty days, one or more dogs for show, trial or breeding purposes.

15. RECORD OF LICENSES ISSUED TO BE KEPT. The Dog Warden shall keep a record of all dog licenses, and all kennel licenses and all permits issued during the year. Such record shall contain the name and address of the person to whom each license or permit is issued. In the case of an individual license, the record shall also state the breed, sex, age, color and markings of the dog licensed; and in the case

of a kennel license it shall state the place where the business is conducted. The record shall be a public record and open to persons interested, during business hours.

Whenever the ownership or possession of any dog licensed under the provisions of this Act is transferred from one person to another, except the temporary transfer of dogs for hunting purposes, or for breeding, trial, or show, as provided in Section 9 of this Act, such transfer shall be noted on the record of the Dog Warden.

16. DISPOSITION OF FUNDS, RECORD KEPT. An accurate record of all license fees collected by the Dog Warden shall be kept in a book furnished by the Commissioner of Agriculture as a matter of information; but all such funds shall be turned into the county funds for the payment of live stock or poultry killed or damaged by dogs except as hereinafter provided. All moneys at present in the county or that hereafter may be collected under the existing law, shall be turned into the said fund. All bills incurred under this Act, or due at the time of the passage of this Act, shall be paid out of the said fund.

17. ASSESSMENT OF DOGS BY TAX COMMISSIONER. The county tax commissioner in each county of this Commonwealth shall annually at the time of assessing property as required by law, make diligent inquiry as to the number of dogs owned, harbored, or kept by any person, and shall list them. The county tax commissioners shall receive five (5¢) cents per dog for each dog listed by him, same to be paid out of said county fund, but before the payment is made the county tax commissioner or deputy shall make an affidavit, setting forth that he has made diligent inquiry and visited each and all persons in the county to ascertain whether or not they had dogs and has listed all dogs. On his failure to make said affidavit, he is not to receive anything for his services.

The county tax commissioner shall annually, on or before the thirty-first day of December, make a complete report to the

Dog Warden, and a duplicate report to the Commissioner of Agriculture, on a blank form furnished by the Dog Warden, setting forth the name of every owner of any dog or dogs, whether licensed or unlicensed, the license number of each licensed dog, how many of each sex, licensed or unlicensed, are by him owned or harbored and if a licensed or unlicensed kennel is maintained by any person such fact also shall be stated. It shall be the duty of the county tax commissioner, at the time of taking the list, to notify the owner of such dog or dogs that he must obtain a license for same as provided for in this Act; but the neglect or failure to so notify such owner shall not relieve the owner from his duty to obtain such license.

18. UNLAWFUL TO HARBOR UNLICENSED DOG. On and after the enactment of this law, it shall be unlawful for any person to own or keep any dog unless such dog is licensed by the Dog Warden of the county in which the dog is kept; and unless such dog at all times wears the collar and tag provided for in this Act, excepting such dogs as are temporarily brought into the State for breeding, trial or show purposes.

19. SUPERVISORY COMMITTEE AND APPEALS BOARD CREATED. There is hereby created a county supervisory committee and appeals board for each county in the Commonwealth, such committee shall be composed of the County Judge, the County Health Officer, the County Live Stock Inspector, the President of the Sheep Protective Association of the County and one layman familiar with dogs, the last named member to be appointed by the Fiscal Court of the County. In any county where no Sheep Protective Association is in existance, such committee shall be composed of only the first three members named. Upon the organization of a Sheep Protective Association in any county after the enactment of this law, the membership of the Supervisory Committee and Appeals Board shall immediately be increased to five, as herein provided. Upon the expiration of

the tenure of office of any member of the committee, or, in the event of the resignation or discharge from his official position of any member of the committee, the individual succeeding the official who has ceased to function, is hereby designated as a member of this committee.

20. DUTIES OF COMMITTEE AND APPEALS BOARD. The committee created by Section 19 of this Act shall have general supervisory powers over the Dog Warden of each county. Such committee shall appoint each Dog Warden. The Committee shall, upon evidence of incompetence or for any other cause deemed sufficient by a majority of the members, discharge the Dog Warden and appoint his successor. The committee shall have complete jurisdiction over quarantine of dogs or other animals suspected of rabies or exposed to the disease and shall direct the Dog Warden to carry out such quarantine restrictions, when so ordered it shall be the duty of the Dog Warden to strictly comply with the orders of the committee. When any dog owner shall feel aggrieved at any action of the Dog Warden, he shall have the privilege of appealing to the committee for relief and the disposintion of the case shall be entirely within the discretion of the committee.

21. INOCULATION. On and after the enactment of this law, the owner of any dog shall, upon demand by the Committee or its agent, be required to have such dog inoculated against rabies by a licensed veterinarian who has been approved by the Division of Live Stock Sanitation of the Kentucky Department of Agriculture, and it shall be the duty of the committee in each county to carefully study the number of cases of rabies among dogs in their particular county and when, in the opinion of a majority of the committee, there is a likelihood of the disease reaching epidemic proportions, such committee may require the immediate inoculation of all the dogs in the county. In the event that no veterinarian is available in the county, the Division of Livestock Sanitation of the Department of Agriculture shall designate a veterina-

rian, employed by the said Division, who shall inoculate dogs in such county. When inoculation has been declared necessary by the committee in any county, it shall be unlawful for any dog owner to secure a license for a dog, or for the Dog Warden in any county to issue such license, until the owner of such dog shall present to the Dog Warden an official certificate, issued on a form furnished by the Division of Live Stock Sanitation of the Kentucky Department of Agriculture, stating that such dog has been inoculated, the date of such inoculation, type of vaccine used, and the name of the veterinarian inoculating such dog. Such certificate shall be serially numbered.

22. CERTIFICATES TO BE ISSUED IN TRIPLICATE. Certificates issued as provided in Section 21 of this Act, shall be issued in triplicate, the original shall be delivered to the dog owner, the duplicate copy to be delivered to the Dog Warden of the county of the dog owner's residence and the triplicate copy to be retained by the veterinarian performing the inoculation.

23. DOGS TO WEAR TAGS. Coincident with the issuance of the certificate of inoculation, as herein prescribed, the veterinarian performing the inoculation shall furnish with the original of the certificate a serially numbered tag bearing the same number and year as the certificate bears, which tag shall at all times be attached to the collar worn by the dog from which the certificate and tag have been issued.

24. FORMS AND TAGS TO BE FURNISHED BY COMMISSIONER. All certificates and tags shall be furnished by the Commissioner. The general shape of the metal tag shall be changed from year to year in the same manner as prescribed herein for the regular dog license tag. Said certificates and metal tags shall be paid for by the county for which such cerificates and tags are issued.

25. LOST TAGS. In the event of the loss of an inoculation tag, such lost tag shall be replaced by the Dog Warden by a tag plainly marked "duplicate"; such duplicate tag to

be issued at no extra cost to the dog owner and shall be issued only after presentation by the said owner of the original certificate of inoculation.

26. DOGS RUNNING AT LARGE, KILLING LIVE STOCK, ETC. Any person may kill any dog which he sees in the act of pursuing, worrying or wounding any live stock, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act, and he may kill any dog that is mad or afflicted with hyprophobia. There shall be no liability on such person in damages or otherwise for such killings.

27. REMOVAL OF TAG. It shall be unlawful for any person, except the owner or authorized agent to remove any license tag or inoculation tag from a dog collar, or to remove any collar with a license tag attached thereto, from any dog.

It shall be unlawful for any person to harbor, or permit to remain about his premises, any dog not having a license and inoculation tag.

28. FEMALE DOGS IN HEAT. It is unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner or keeper at any time when she is in heat, unless such female dog is held properly in leash.

29. DAMAGE TO LIVE STOCK BY DOGS; CLAIMS AND APPRAISAL. Whenever any person sustains any loss or damage to any live stock or poultry by dogs, or any live stock of any person is necessarily destroyed because of having been bitten by a dog, such person or his agent, or attorney may complain to the County Judge. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where and how such damage was done, and by whose dog or dogs, if known. Such County Judge shall appoint two appraisers, subject to the approval of the committee, whose duty it shall be to investigate and ascertain the amount of damages sustained. Said appraisers shall both be resident landowners of the county

and not related to claimant by either blood or marriage. Said appraisers shall examine the place where the alleged loss or damage was sustained and the live stock or poultry injured or killed, within forty-eight (48) hours after the injury or death occurred, and shall also examine under oath or affirmation any witness called before them. After making diligent inquiry in relation to such claim, said appraisers shall determine whether any damage has been sustained and the amount thereof, and if possible, who was the owner of the dog or dogs by which such damage was done, and shall forthwith make a written report of this investigation and findings to the County Judge appointing them.

Any person owning, keeping or harboring such dog or dogs shall be liable to the owner of such live stock or poultry in a civil action for all damages done and costs.

But if it appears from the complaint and appraiser's report aforesaid that the owner who suffers the loss will for any cause probably be unable to collect the damages done to his property by a civil action, or if it appears therefrom that the person owning or harboring such dog or dogs is not known, said owner who suffers the loss shall be reimbursed out of said livestock and poultry fund of the county in which said damage occurred in the manner hereinafter provided.

30. CERTIFICATION BY JUDGE. Upon making the examination required in Section 29 of this Act, the County Judge shall immediately make a certificate thereto, signed and sealed by him, that such appraisement was regularly and duly made. If, by such examination, it appears that any damage has been sustained by the claimant, the County Judge shall deliver the report of such examination, and all papers relating to the case to the claimant or his agent or attorney, upon payment of the costs up to that time. Such reports shall be delivered to the Dog Warden to be filed in his office.

31. PAYMENT OF DAMAGE CLAIMS. The Dog Warden of the county receiving such report, if it appears thereby that a certain amount of damage has been sustained

by the claimant, shall immediately draw his order on the treasurer of the county in favor of the claimant for the amount of loss or damage such claimant has sustained according to such report, together with necessary and proper costs incurred. Such amount shall be paid by the county treasurer out of the live stock fund. No person shall receive any order for any claim until the County Judge, before whom the claim was made, has certified that due diligence was made to ascertain whose dog or dogs did the damage and where the carcasses of the live stock or poultry killed, and for which damages have been assessed, were located 24 hours after the assessment of damages, and that said damages are probably not collectable in a civil action, giving the reasons.

32. LIMITATION ON AMOUNTS PAID FOR DAMAGES. Any stock injured, damaged or killed by a dog or dogs, the owner or owners of same shall be paid for such injuries or damages done to live stock or poultry belonging to them not to exceed the amounts hereinafter designated for the kinds of stock injured, damaged or killed, namely:

For each horse or mule not to exceed $75.00; for each head of cattle not to exceed $50.00; for each head of swine weighing over one hundred pounds, not to exceed $15.00; and weighing under one hundred pounds, not to exceed $7.50; for each head of grade sheep not to exceed $10.00; for each head of grade lambs not to exceed $8.00; for each head of registered ewe not to exceed $15.00; for each registered ram not to exceed $20.00; for each head of registered or eligible to be registered lamb, upon presentation of registry certificate, not to exceed $12.00; for each head of chicken or duck, not to exceed $1.00; and for each head of turkey or geese, not to exceed $3.00.

Any valid claim or parts thereof for loss or damage to sheep, horses, mules, cattle or swine which have accrued under any general or local laws at any time, prior to the passage of this Act, shall not abate by reason of the repeal of

such general or local Act, but shall be paid out of the same fund of the proper county.

All claims or parts of remaining unpaid for any reason at the close of any year shall not abate, but shall continue as claims until paid in full.

33. PROCEEDNGS AGANIST DOG OWNER. The County Judge, upon oral or written charge of any person, supported by oath or affirmation to the effect that any dog has killed or injured live stock or poultry, shall issue a summons against the owner of said dog or against the person having control, custody or possession thereof, or, if the owner thereof be a minor, against the parent, guardian or person having custody and control of said minor, ordering the person or persons summoned to produce the dog in court within three days.

The court shall make record of all steps taken, orders made and judgments entered in the proceedings, which shall be in the name of the Commonwealth, and against the dog in the name of the owner, or any person authorized in the preceding paragraph to be notified of the charge against the dog. The owner or other person summoned may make defense to the charge against the dog. If the court, upon hearing, adjudges that the dog on trial has either killed or injured live stock or poultry, he shall enter an order directing said dog to be destroyed by the Dog Warden. The owner or person defending for a dog, which has been convicted, may within three days prosecute an appeal to the circuit court, which appeal shall be subject to the laws of this Commonwealth relating to civil appeals.

Pending the hearing before the county court, the court shall require such bond of the owner or person having custody of the dog as will insure the presence of the dog in court upon the hearing. Before an appeal may be prosecuted the county court shall require the owner of the dog, or the person who has defended on the dog's behalf, to execute a good and sufficient bond, not to exceed the sum of four hundred dollars

($400.00), that the dog will be presented to the Dog Warden upon final determination of the appeal, so that the judgment entered against the dog may be executed. Said bond shall also cover the costs of the suit.

The county attorney shall be entitled to a fee of ten dollars ($10.00) to be taxed as part of the costs for attending the court and actually prosecuting the case. Upon an appeal to the Circuit Court, it shall be the duty of the Commonwealth's attorney and the county attorney to prosecute the case, and each shall be allowed a fee of ten dollars ($10.00) for his services in the circuit court, which fees shall also be taxed as part of the costs. Each court hearing the charge, if defense is made and the dog ordered destroyed, shall tax as costs such other fees as may be allowed by law.

34. PERSONS CONCEALING FACTS. It is unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any provisions of this Act.

35. BURDEN OF PROOF. In any proceedings under this Act, the burden of proof of the facts that a dog has been licensed, or has been imported for breeding, trial or show purposes, shall be on the owner of such dog. Any dog not bearing a license tag shall prima facie be deemed to be unlicensed.

36. COMMISSIONER TO ENFORCE ACT—FEES PAID HIM. The Commissioner of Agriculture, through his officers and agents, is charged with the general enforcement of this Act and shall have general supervision over the licensing and regulation of dogs and protection of live stock and poultry from damage by dogs in all counties of the Commonwealth. To this end, the Commissioner of Agriculture may make such rules and regulations as he may deem necessary and employ all proper means for the enforcement of this Act. Any other state department, bureau, or commission must on request of the Commissioner of Agriculture assist in the enforcement of the provisions of the Act. To that end, each

Dog Warden shall on the first day of each month following the enactment of this law, draw his warrant on the county treasurer of his county in favor of the Commissioner of Agriculture for a sum equal to ten per cent (10%) of the amount received for said licenses during the preceding month.

37. FEES ALLOWED BY THIS ACT. In addition to the fees to be paid to the county tax commissioner, as provided in Section 17 of this Act and to the Commissioner of Agriculture as provided in Section 36 of this Act, the Dog Warden of each county shall be entitled to a fee of fifteen cents (15¢) for each and every license issued by him, which amount shall be paid out of the county live stock fund. When it becomes necessary for the Dog Warden to impound a dog, he shall be entitled to a fee of fifty cents (50¢) for such impounding, in addition to the impounding fee the Dog Warden shall be entitled to a fee of fifty cents (50¢) for keeping said dog as provided in Section 4 of this Act. If impounded dogs are reclaimed, the owner of such dog or dogs shall pay the fees for impounding and keeping in addition to the regular license fee as herein provided, if said dog or dogs have been previously licensed for the year during which they are impounded only the payment of the impounding and feeding fees shall be required. Before any dog shall be released after being impounded for any reason whatsoever, such dog shall be inoculated against rabies by a licensed veterinarian under the regulations laid down in Section 11 hereof. If such dog has been previously inoculated in the year such impounding and release takes place, the Dog Warden is authorized to release such dog upon presentation of a certificate of inoculation. If dogs, either licensed or unlicensed, that are impounded under this Act, are not reclaimed, the Dog Warden shall receive a fee of fifty cents (50¢) for the destruction of each dog, said sums to be paid out of the county live stock fund.

38. ORDER IN WHICH FUNDS ARE TO BE DISBURSED. All funds collected under the provisions of this

Act shall be disbursed in the following manner and in the exact order here designated. (1) The Dog Warden shall first receive fees due him at the rate of fifteen cents (15¢) for each license sold. (2) The Commissioner shall receive (10%) of the gross proceeds of dog license sales. (3) The county tax commissioner shall receive five cents (5¢) for each dog assessed. (4) The Dog Warden shall receive impounding, keeping, and killing fees in a total not to exceed one dollar and fifty cents ($1.50) as provided in Section 37 of this Act. (5) All expenses incurred under this Act necessary to the enforcement of the Act and approved by the Supervisory Committee shall be paid. (6) Damage claims for live stock as herein provided. (7) If on December 31st of any year after the enactment of this law all fees, expenses, damage claims and all other items have been paid, there still remains unused funds in the county live stock fund, such funds shall revert to the school fund of the county.

39. DOGS ILLEGALLY KILLED. Nothing in this Act shall be construed to prevent the owner of a licensed dog from recovering, by action at law, the value of any dog, which dog has been illegally killed by any officer, farmer, stockman or other person within the Commonwealth, from said officer, farmer, stockman or other person. In case such officer or other person fails to pay the value of such dogs so killed, the same shall be paid by the proper county. Said value of said dog to be ascertained in the same manner and form as provided in Section 29 of this Act for assessing the damages done to live stock by dogs.

40. GAME LAWS—DOG VIOLATING. Nothing in this Act shall be construed to prevent the killing of a dog caught chasing deer at any time of the year, on either public or private lands; or to prevent the killing of dogs by any officer empowered to enforce the game laws of this Commonwealth when said dogs are pursuing game during the closed season for the training of dogs on game providing said dogs are not under the immediate control or accompanied by their

owner or keeper, and also provided that legal notice has previously been given said owner or keeper as required by the game laws of this Commonwealth.

41. PENALTIES. Any person violating or refusing to comply with any of the provisions of this Act or violating or refusing to comply with any of the regulations promulgated by the Commissioner of Agriculture, as herein provided for, or interfering with the agents of the Commissioner or refusing to comply with rules and regulations laid down by the Supervisory Committee or Appeals Board, or in any way hindering or obstructing any duly authorized official in the furtherance of his duties as herein provided, shall be guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred Dollars ($200.00) for each offense. All fines collected hereunder shall be forthwith paid to the treasurer of the proper county to be credited to the county live stock fund.

42. EMERGENCY DECLARED TO EXIST. Inasmuch as the enforcement of the existing Dog Law is now extremely lax and a further delay in the enactment of this legislation will cause untold losses to live stock producers in all sections of the Commonwealth, an emergency is declared to exist, and this Act shall take effect and be in force from and after its passage and approval by the Governor.

43. REPEALER SECTION. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, Section One of this Act shall be treated as repealing KRS 29.230 (3) and all of KRS Chapter 258, except KRS 258.070, 258.090 (1) and 258.990 (2), regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. McPherson.

H. B. 78. An Act to amend Sec. 1565b-4 of Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That § 1565b-4 of Carroll's Kentucky Statutes, be and the same is hereby amended to read as follows:

Any person who shall be a candidate before any caucus or convention, or at any primary election, or any final election for any state, city, county, town, municipal or district office shall not earlier than the twentieth day nor later than the fifteenth day, counting Sundays and legal holidays, before the date for making such nomination, and also not earlier than the twentieth day nor later than the fifteenth day, counting Sundays and legal holidays, before the final election, file with the officer with whom his nomination papers must be filed in case of a primary, and with the chairman of the board authorized to issue the certificate of election after the final election, or with the secretary of state when nomination is made by caucus or convention for officers of the state at large or for districts larger than one county, and with the county clerk in all other cases, a statement in writing, which statement shall be subscribed and sworn to by such candidate and which shall set forth in detail all sums of money, or other things of value, contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief, by any person in his behalf, wholly or in part, endeavoring to secure his nomination or election to such office or place; and also sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination or election of any other person at such election, primary or nominating convention, and showing the dates when, the persons to whom, and the purpose for which all such sums were paid, expended or promised. Such statement shall set forth in detail each item of contribution or expenditure, and he shall before some officer qualified to administer oaths subscribe and file with said statement the following oath:

"I do solemnly swear (or affirm) that the statement herewith filed embraces all money spent by me, or in my behalf with my knowledge; by any person for me; that I have neither directly nor indirectly arranged for or encouraged the spending of any money other than as shown in my said statement; that I have not repaid any money so spent or claimed to have been spent, and that I will not do so, and that I have not violated any of the provisions of this Act in letter or in spirit."

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

(1) Every candidate for nomination at any caucus, convention or primary election to any state, county, city or district office shall, not earlier than the twentieth day nor later than the fifteenth day, counting Sundays and legal holidays, before the date for making the nomination, file a statement in writing, subscribed and sworn to by him, setting forth in detail all sums of money or other things of value contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief by any person on his behalf, wholly or in part, endeavoring to secure his nomination to such office, and all sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination of any other person to be voted for at the same time. The statement shall set forth in detail each item of contribution or expenditure, and shall show the dates when, the persons to whom, and the purpose for which all such sums were paid, expended or promised. In the case of nominations to be made at a primary election, the statement shall be filed with the officer with whom nomination papers must be filed. In the case of nominations to be made by caucus or convention, the statement shall be filed with the Secretary of State when the office is for the state at large

or for a district larger than one county, and with the county clerk when the office is for a county or a district less than one county. The candidate shall subscribe before some officer qualified to administer oaths, and file with the statement, the following oath:

"I do solemnly swear that the statement herewith filed embraces all money spent by me, or on my behalf with my knowledge by any person for me; that I have neither directly nor indirectly arranged for or encouraged the spending of any money other than as shown in my statement; that I have not repaid any money so spent or claimed to have been spent, and that I will not do so, and that I have not violated any of provisions of KRS 123.010 to 123.110 in letter or in spirit."

(2) Every candidate for election to any state, county, city or district office shall, not earlier than the twentieth day nor later than the fifteenth day, counting Sundays and legal holidays, before the day of election, file with the chairman of the canvassing board authorized to issue the certifice of election a statement and oath in the same form and manner as provided for in subsection (1) of KRS 123.060, containing like information with respect to contributions, disbursements, expenditures and promises made in endeavoring to secure his election or in support and in connection with the election of any other person to be voted for at the same time.

The provision so substiuted by subsection (1) of this section shall thereafter be treated as an amendment to subsection (1) of KRS 123.060, and the provision so substituted by subsection (2) of this section shall thereafter be treated as an amendment to subsection (1) of KRS 123.070, rather than an amendment to § 1565b-4 of Carroll's Statutes.

By Mr. Riley.

H. B. 79. An Act relating to the hours of doing business for all brewers, distributors and retailers or dealers in any way in malt beverages.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 3 of Chapter 14 of the Acts of 1940 is amended to read as follows:

No brewer or distributor shall deliver any malt beverages between the hours of 7 p. m. and 6 a. m. except on Saturdays when the hours of such deliveries shall be between 6 a. m. and midnight, or on Sunday at any time. No beer retailer shall sell, give away or deliver any malt beverages between the hours of midnight and 6 a. m., or at any time during the twenty-four (24) hours of a Sunday or an election day.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 244.480, and shall thereafter be treated as an amendment to KRS 244.480 rather than an amendment to § 3 of Chapter 14 of the Acts of 1940.

By Mr. Porter.

H. Res. 14. A Joint Resolution authorizing Wallace R. Gordon of Golden Pond, Kentucky to sue the Commonwealth of Kentucky:

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Wallace R. Gordon of Golden Pond, Kentucky is authorized to sue the Commonwealth of Kentucky in Trigg Circuit Court for damages reesulting from personal injury caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth:

Said suit shall be for a sum not in excess of $15,000.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Salyer.

H. Res. 15. A RESOLUTION appropriating and authorizing the payment to Joe Holcomb of the city of Jenkins, Letcher County, Kentucky, the sum of three hundred forty-three dollars and twenty cents for indemnity for cattle destroyed by order of the State Live Stock Sanitary Board.

Said resolution is as follows, viz.:

WHEREAS, Joe Holcomb of the city of Jenkins, Letcher County, Kentucky, was the owner of certain cattle during the fiscal year ending June 30, 1939, which cattle were destroyed by order of the State Live Stock Sanitary Board during said fiscal year, under the provisions of section 63c-7 of Carroll's Kentucky Statutes, 1936 edition, and

WHEREAS, the State Live Stock Sanitary Board awarded indemnity to the said Joe Holcomb to be paid by the Commonwealth in the sum of three hundred forty-three dollars and twenty cents, and

WHEREAS, the said Joe Holcomb has not been paid the sum awarded to him as indemnity because the sums appropriated by the General Assembly for that purpose during that fiscal year were insufficient and sums appropriated for subsequent fiscal years could not lawfully be expended for that purpose, and

WHEREAS, the said Joe Holcomb has been forced to borrow money to replace the cattle so destroyed and the lender is demanding payment.

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That there is appropriated out of the General Fund of the Commonwealth the sum of three hundred forty-three dollars and twenty cents for the purpose of paying the indemnity due to Joe Holcomb, of the city of Jenkins, Letcher County, Kentucky, and the Department of Finance is directed to draw a warrant on the Treasurer, payable to the said Joe Holcomb, for that purpose.

Ordered that said bills and resolutions be printed and referred.

Mr. Ward moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 20, 1942.

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend

C. R. Thrasher of the Church of the Nazarene of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson, Jr.
George P. Anderson
Henry Arrowood
William F. Ball
Robert E. Barry
W. T. Beard
Robert E. Beatty
Rell Bevins
Douglas T. Bolling
H. M. Brock, Jr.
Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
W. W. Freeman
Joseph J. Grace
Bert P. Hall
A. G. Hamilton, Jr.
Fuller Harding
Joe Higgins
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
Chas. O. Humston
W. H. Hunt
Joe B. Jarboe, Jr.
Crow Jarvis
William L. Jones
John S. Juett
W. A. Lamkin
H. W. Linville
A. L. Love
William Lovett
Harry K. Lowman
Hugh D. Lyon
H. McCartney
Cary McDevitt
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
Sam Milam
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Dr. M. M. Robinson
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Clyde Smith
Otto Smither
Charles L. Spilman
James D. Stacey
J. Claude Stacy
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
John L. Trumbo
Erna E. Tyra
J. Wood Vance
S. J. Wagner
C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson
Stanley S. Dickson, Speaker

Mr. Scheben moved that the reading of the Journal of Thursday's proceedings be dispensed with.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed a bill and resolution which originated in this House entitled:

H. B. 1. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky.

H. Res. 9. Resolution relating to Kentucky Poetry Day.

Ordered that said bill and resolution be delivered to the Enrolling Clerk of this House.

Ordered that a leave of absence be granted to all members of this House absent on account of illness.

Mr. Waterfield moved that the privilege of the floor be extended to Mr. R. T. Griffey of Clinton.

Said motion was agreed to.

Mr. Walden moved that the privilege of the floor be extended to Mr. Gilbert Wallace of Edmonton.

Said motion was agreed to.

Mr. Wilson moved that the privilege of the floor be extended to Mr. Charles Bronston of Lexington, Kentucky.

Said motion was agreed to.

Mr. McCartney moved that the privilege of the floor be extended to Mr. Tom Rigdon of Flemingsburg.

Said motion was agreed to.

Mr. Henry Ward presented a new gavel to the Speaker on behalf of Mr. C. S. Howard, member from Hardin County and Mr. Hagan, Sergeant-at-Arms of this House.

Mr. Beard of the Committee on Enrollment to which the same had been referred, announced that they had examined and found to be correctly enrolled, resolutions of the following titles, viz.:

H. Res. 1. Resolution appropriating sum of $750 as a contingent fund for the Clerk of the Senate and $750 as a contingent fund for the Clerk of the House.

H. Res. 2. Resolution providing for purchase of "Legislative Digest."

Thereupon all other business was suspended, said resolutions were read at length and compared in open session and found to be correctly enrolled, and thereup the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said resolutions to the Senate.

After a time the Enrolling Clerk aforesaid delivered the original and enrolled copies of said resolutions, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said resolutions to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The House took up for consideration from the Calendar bills of the following titles, viz.:

H. B. 40. An Act relating to public education.

H. B. 9. An Act relating to holidays.

H. B. 32. An Act relating to the fiscal year of counties, amending Sec. 907 of Carroll's Kentucky Statutes, 1936 Edition.

S. B. 2. An Act appropriating money from the General Fund of the Commonwealth of Kentucky for the fiscal year ending June 30, 1942, etc.

With a Committee Amendment thereto.

H. B. 6. An Act to provide for an Amendment to the Constitution of Kentucky.

H. B. 59. An Act relating to city streets, viaducts and bridges.

H. B. 48. An Act to change and fix the time of terms of court in the Tenth Judicial District.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 4. Joint Resolution providing for the purchase of five hundred and fifty copies of the Kentucky Directory, and the distribution thereof, and appropriating $1,100.00 to purchase same.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

Section 1. There is hereby appropriated $1,100.00 out of the General Expenditure Fund to be used by the State Librarian for the purchase of the Kentucky Directory, 1942 Edition.

Section 2. That the State Librarian shall purchase, at not exceeding two dollars per copy, five hundred and fifty copies of the book entitled "Kentucky Directory 1942," for the use of the Courts, state and county officers and members of the General Assembly. The Librarian shall furnish the members of the General Assembly and such officers as are designated by the presiding officers of the respective houses a copy of same and shall furnish the state officials with copies thereof and shall send a copy to the circuit court clerk of each county in the state to be kept in his office. The Librarian shall furnish to the Librarian of each state and territory of the Union a copy of said book, and a copy to the Librarian of Congress, and shall deliver to the Secretary of State fifty copies to be exchanged with the Secretaries of State of other states for directories of their state. Upon receipt of the books the Librarian shall certify the bill therefor to the Commissioner of Finance and he shall draw his warrant on the State Treasurer for the amount certified which shall be paid out of the General Expenditure Fund.

Section 3. It being necessary that the officers should have the books herein provided for at once, an emergency is declared and this resolution shall take effect upon its adoption and approval by the Governor

Mr. May moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

George P. Anderson	Dr. J. A. Duff	Crow Jarvis
Henry Arrowood	Forest C. Easley	William L. Jones
W. T. Beard	John D. Fields	John S. Juett
Robert E. Beatty	T. P. Fitzpatrick	W. A. Lamkin
Rell Bevins	W. W. Freeman	H. W. Linville
Douglas T. Bolling	Joseph J. Grace	A. L. Love
Sherman E. Carter	Bert P. Hall	William Lovett
C. L. Clayton	A. G. Hamilton, Jr.	Harry K. Lowman
T. Fowler Combs	Fuller Harding	Hugh D. Lyon
Oris Cooper	Joe Higgins	H. McCartney
M. A. Cornett	E. R. Hilton	Cary McDevitt
John Henry Cox	Clyde S. Howard	Norris McPherson
Rev. W. W. Crouch	Jerry F. Howell	Dr. Wm. C. Mann
Guthrie F. Crowe	Chas. O. Humston	Ed. Marcum
Pink G. Curd	Joe B. Jarboe, Jr.	C. C. May

J. Milton Mefford	L. Allen Rhoads	C. W. Taylor
D. J. Moore	Dr. J. J. Rice	Egbert Taylor
L. D. Moore	Wade H. Riley	Roy L. Taylor
C. E. Montgomery	Dr. M. M. Robinson	Rev. H. Tinsley
F. E. Morancy	Dr. K. N. Salyer	John L. Trumbo
E. R. Morlidge	Carl Scheben	Erna E. Tyra
C. Sid Nabb	Faust Y. Simpson	J. Wood Vance
Coy Nevitt	Clyde Smith	S. J. Wagner
Robert Nicholas	Otto Smither	C. R. Walden
H. C. Patterson	Charles L. Spilman	Harry Walters
Paul Pelfrey	James D. Stacey	H. A. Ward
B. W. Porter	J. Claude Stacy	Henry Ward
Kleber F. Price	R. C. Stephenson	H. L. Waterfield
James E. Quill	Thomas M. Swope	E. Reed Wilson

Resolved that the title thereof be as aforesaid.

Mr. May moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 16. An Act relating to larceny.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1196 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

If any person steals a hog, sheep, wool, tobacco, grain, feed or seed of the value of four dollars or more, he shall be

confined in the penitentiary for not less than one year nor more than five years.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes be substituted in place of subsection (2) of KRS 433.250, and shall thereafter be treated as an amendment to subsection (2) of KRS 433.250 rather than an amendment to § 1196 of Carroll's Statutes.

Mr. Walters moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

George P. Anderson	T. Fowler Combs	Forest C. Easley
Henry Arrowood	Oris Cooper	Harry W. Ennis
W. T. Beard	M. A. Cornett	John D. Fields
Robert E. Beatty	John Henry Cox	W. W. Freeman
Rell Bevins	Rev. W. W. Crouch	Joseph J. Grace
Douglas T. Bolling	Guthrie F. Crowe	A. G. Hamilton, Jr.
Sherman E. Carter	Pink G. Curd	Fuller Harding
C. L. Clayton	Dr. J. A. Duff	E. R. Hilton

Clyde S. Howard	J. Lee Moore	Charles L. Spilman
Jerry F. Howell	L. D. Moore	James D. Stacey
Chas. O. Humston	C. E. Montgomery	J. Claude Stacy
Joe B. Jarboe, Jr.	F. E. Morancy	R. C. Stephenson
Crow Jarvis	E. R. Morlidge	Thomas M. Swope
William L. Jones	Coy Nevitt	C. W. Taylor
John S. Juett	Robert Nicholas	Egbert Taylor
W. A. Lamkin	H. C. Patterson	Roy L. Taylor
H. W. Linville	Paul Pelfrey	Rev. H. Tinsley
A. L. Love	B. W. Porter	John L. Trumbo
William Lovett	Kleber F. Price	Erna E. Tyra
Harry K. Lowman	James E. Quill	J. Wood Vance
Hugh D. Lyon	L. Allen Rhoads	S. J. Wagner
H. McCartney	Dr. J. J. Rice	C. R. Walden
Norris McPherson	Wade H. Riley	Harry Walters
Dr. Wm. C Mann	Dr. M. M. Robinson	H. A. Ward
Ed. Marcum	Dr. K. N. Salyer	Henry Ward
C. C. May	Carl Scheben	H. L. Waterfield
J. Milton Mefford	Clyde Smith	
D. J. Moore	Otto Smither	

Resolved that the title thereof be as aforesaid.

Mr. Walters moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last namd motion was agreed to.

The House took up for consideration from the Orders of the Day a bill entitled:

H. B. 19. An Act relating to Cooperative Marketing Associations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 883f-10 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, being Section 10 of Chapter 1 of the Acts of the General Assembly of 1922, be, and the same hereby is, amended and re-enacted so that said section as amended and re-enacted shall read as follows:

"By-laws.—Each association must, within thirty (30) days after its incorporation, adopt for its government and management a code of by-laws not inconsistent with the powers granted by this Act. A majority vote of the members or stockholders, or their written assent, is necessary to adopt such by-laws. Each association, under its by-laws, may provide for any or all of the following matters:

(a) The time, place and manner of calling and conducting its meetings.

(b) The number of stockholders or members constituting a quorum.

(c) The right of members or stockholders to vote by proxy or by mail or both; and the conditions, manner, form, and effects of such votes.

(d) The number of directors constituting a quorum.

(e) The qualifications, compensation and duties and term of office of directors and officers; time of their election and the mode and manner of giving notice thereof.

(f) Penalties for violations of the by-laws.

(g) The amount of entrance, organization and membership fees, if any; the manner and method of collection of the same; and the purposes for which they may be used.

(h) The amount which each member or stockholder shall be required to pay annually or from time to time, if at all, to carry on the business of the association; the charge, if any, to be paid by each member or stockholder for services

rendered by the association to him and the time of payment and the manner of collection; and the marketing contract between the association and its members or stockholders which every member or stockholder may be required to sign.

(i) The number and qualification of members or stockholders of the association and the conditions precedent to membership or ownership of common stock; the method, time and manner of permitting members to withdraw or the holders of common stock to transfer their stock; the manner of assignment and transfor of the interest of members and of the shares of common stock; the conditions upon which and time when membership of any member shall cease; the automatic suspension of the rights of a member when he ceases to be eligible to membership in the association; and the mode, manner and effect of the expulsion of a member; the manner of determining the value of a member's interest and provision for its purchase by the association upon the death or withdrawal of a member or stockholder, or upon the expulsion of a member or forfeiture of his membership, or, at the option of the association, the purchase at a price fixed by conclusive appraisal by the board of directors. In case of the withdrawal or expulsion of a member, the board of directors shall equitably and conclusively appraise his property interests in the association and shall fix the amount thereof in money, which shall be paid to him within one year after such expulsion or withdrawal.

Such by-laws may be amended, changed, or altered at any time thereafter by the affirmative vote of a majority of the entire number of directors of the association at any director's meeting duly called and held."

Section 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, Section 1 of this Act shall, upon the taking effect of the Kentucky

Revised Statutes, be substituted in place of KRS 272.150, and shall thereafter be treated as an amendment to KRS 272.150 rather than an amendment to Section 883f-10 of Carroll's Kentucky Statutes.

Mr. Walters moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Forest C. Easley	Crow Jarvis
Henry Arrowood	Harry W. Ennis	William L. Jones
Robert E. Barry	John D. Fields	John S. Juett
W. T. Beard	T. P. Fitzpatrick	W. A. Lamkin
Robert E. Beatty	W. W. Freeman	H. W. Linville
Rell Bevins	Joseph J. Grace	A. L. Love
Douglas T. Bolling	Bert P. Hall	Harry K. Lowman
Sherman E. Carter	A. G. Hamilton, Jr.	Hugh D. Lyon
C. L. Clayton	Fuller Harding	H. McCartney
T. Fowler Combs	Joe Higgins	Cary McDevitt
Oris Cooper	E. R. Hilton	Norris McPherson
M. A. Cornett	Clyde S. Howard	Dr. Wm. C. Mann
Rev. W. W. Crouch	Jerry F. Howell	Ed. Marcum
Guthrie F. Crowe	Chas. O. Humston	C. C. May
Dr. J. A. Duff	Joe B. Jarboe, Jr.	J. Milton Mefford

Sam Milam	L. Allen Rhoads	C. W. Taylor
D. J. Moore	Dr. J. J. Rice	Egbert Taylor
L. D. Moore	Wade H. Riley	Roy L. Taylor
C. E. Montgomery	Dr. M. M. Robinson	Rev. H. Tinsley
F. E. Morancy	Dr. K. N. Salyer	John L. Trumbo
E. R. Morlidge	Carl Scheben	J. Wood Vance
C. Sid Nabb	Faust Y. Simpson	C. R. Walden
Coy Nevitt	Clyde Smith	Harry Walters
Robert Nicholas	Otto Smither	H. A. Ward
H. C. Patterson	Charles L. Spilman	Henry Ward
Paul Pelfrey	James D. Stacey	H. L. Waterfield
B. W. Porter	J. Claude Stacy	E. Reed Wilson
Kleber F. Price	R. C. Stephenson	Stanley S. Dickson,
James E. Quill	Thomas M. Swope	Speaker

Resolved that the title thereof be as aforesaid.

Mr. Walters moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Barry moved that the privilege of the floor be extended to Messrs. H. J. Graham, J. C. Wheeler, M. A. Hampton of Louisville.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 21. An Act relating to the embezzlement, conversion, misappropriation or misapplication of the sinking fund in cities of the second class; providing penalties and fixing civil liability therefor, and providing for the recovery of any and all amounts embezzled, converted, misappropriated or misapplied.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Any officer, agent, or employe having charge, control or possession of the sinking fund or any portion thereof, or any of its property, money or evidences of property, of any city of the second class, who shall willfully embezzle, convert, misappropriate or misapply, or who, as a member of the General Council or Board of Commissioners, shall vote to so embezzle, convert, misappropriate or misapply such sinking fund, or any portion thereof, or any officer, agent or employe who could by a refusal to act have prevented sail embezzlement, conversion, misappropriation or misapplication whether said embezzlement, conversion, misappropriation or misapplication be for the purpose of paying, securing or liquidating commitments or debts of said municipality or otherwise, shall be confined in the penitentiary for not less than one (1) nor more than twenty (20) years, and such officers, agents, or employes so offending, and their sureties, shall jointly and severally be and they are hereby made personally liable for the amount of such embezzlement, conversion, misappropriation or misapplication. It shall be the duty of the City Solicitor or other legal officer of the municipality to institute and prosecute to recovery, such civil actions, and if he fails to do so for six (6) months after he shall have knowledge of the same, any resident and taxpayer may institute the action or actions in his own name, and shall have one-half of the recovery. A civil recovery hereunder shall not militate against the criminal prosecution.

Mr. Scheben moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.
George P. Anderson
Henry Arrowood
William F. Ball
Robert E. Barry
W. T. Beard
Robert E. Beatty
Rell Bevins
Douglas T. Bolling
H. M. Brock, Jr.
Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
W. W. Freeman
Joseph J. Grace
Bert P. Hall
A. G. Hamilton, Jr.
Joe Higgins
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
Chas. O. Humston
Crow Jarvis
William L. Jones
John S. Juett
W. A. Lamkin
H. W. Linville
A. L. Love
William Lovett
Harry K. Lowman
Hugh D. Lyon
H. McCartney
Cary McDevitt
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
Sam Milam
D. J. Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Dr. M. M. Robinson
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Clyde Smith
Otto Smither
Charles L. Spilman
James D. Stacey
J. Claude Stacy

R. C. Stephenson	John L. Trumbo	H. A. Ward
Thomas M. Swope	Erna E. Tyra	Henry Ward
C. W. Taylor	J. Wood Vance	H. L. Waterfield
Egbert Taylor	S. J. Wagner	E. Reed Wilson
Roy L. Taylor	C. R. Walden	
Rev. H. Tinsley	Harry Walters	

Resolved that the title thereof be as aforesaid.

Mr. Scheben moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Ward moved that the Sergeant-at-Arms of this House be directed to locate additional rooms in and about the Capitol Building to be used for meeting rooms by the Standing Committees of this House.

Said motion was agreed to and without objection it was so ordered.

Mr. Ward moved that the Sergeant-at-Arms be instructed to deliver the daily "Legislative Digest" only to those individuals entitled to same and that the name of each individual be checked upon delivery.

Said motion was agreed to.

The Speaker announced that he had referred bills and resolutions previously introduced in this House, as follows, viz.:

H. B. 63. To Committee on Codes of Practice

H. B. 64. To Committee on Codes of Practice

H. B. 65. To Committee on Agriculture No. 1

H. B. 66. To Committee on Kentucky Statutes No. 1

H. B. 67. To Committee on Revenue and Taxation No. 1

H. B. 68. To Committee on Insurance, Life and Casualty

H. B. 69. To Committee on Fish and Game No. 1

H. B. 70. To Committee on Motor Transportation.

H. B. 71. To Committee on Kentucky Statutes No. 1

H. B. 72. To Committee on Public Health No. 1-A

H. B. 73. To Committee on Kentucky Statutes No. 1

H. B. 74. To Committee on Kentucky Statutes No. 1

H. B. 75. To Committee on Constitutional Amendments

H. B. 76. To Committee on Kentucky Statutes No. 1-A

H. B. 77. To Committee on Agriculture No. 1

H. B. 78. To Committee on Suffrage and Elections

H. B. 79. To Committee on Alcoholic and Liquor Control No. 1

H. Res. 11. To Committee on Claims

H. Res. 12. To Committee on Claims

H. Res. 13. To Committee on Claims

H. Res. 14. To Committee on Claims

H. Res. 15. To Committee on Approproations No. 1

Mr. Ward moved that the House do now recess for one hour.

Said motion was agreed to.

And then the House recessed.

The hour of two o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Henry Ward

H. B. 80. An Act relating to the city manager form of government for cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 3235dd-34 of Carroll's Kentucky Statutes, 1936 Edition, is amended to read as follows:

"The city managed shall be responsible to the board of commissioners for the proper administration of all affairs of the city, and to that end shall make all appointments, except of members of the board of equalization who shall be

appointed by the mayor with the approval of the board of commissioners, and except as otherwise provided in this law. Except when the board of commissioners is considering his removal, the city manager shall be entitled to be present at all meetings of the board of commissioners and of its committees and to take part in their discussion."

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

(1) The city manager shall be the executive agent of the mayor and board of commissioners in the management of the city affairs. He shall be responsible to the board for the proper administration of all the affairs of the city, and to that end he shall make all oppointments, except as otherwise provided in this chapter, and except that in cities of the second class he shall not appoint the members of the board of equalization, but they shall be appointed by the mayor with the approval of the board of commissioners. Except when the board is considering his removal, he may be present at all meetings of the board and of its committees, and take part in the discussion.

(2) Neither the mayor, board of commissioners nor any commissioner shall dictate the appointment of any person to office or employment by the city manager, or in any manner interfere with the city manager or prevent him from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the board of commissioners and its members shall deal with the administrative service solely through the city manager, and neither the board nor any member thereof shall give orders to any of the subordinates

of the city manager. The provision so substituted by this section shall thereafter be treated as an amendment to KRS 89.570 rather than an amendment to § 3235dd-34 of Carroll's Statutes.

By Mr. Henry Ward

H. B. 81. An Act relating to the city manager form of government for cities.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 3235dd-42 of Carroll's Kentucky Statutes, 1936 Edition, is amended to read as follows:

"(1) Every ordinance or resolution ordering the construction or reconstruction of any street or sewer, or making or authorizing any contract involving the expenditure of more than one thousand dollars, or granting any franchise of the right to use or occupy the streets, highways, bridges, or public places of the city for any except a merely temporary purpose shall after its introduction and before its adoption remain on file at least one week for public inspection in the completed form in which it shall be put upon its final passage. No such ordinance or resolution shall go into effect until the expiration of ten days after its passage, except in case of emergency the public health or safety shall require that it take immediate effect, which fact shall be declared by the unanimous vote of the board of commissioners.

"(2) Before a city of the second class shall enter into any contract involving the expenditure of more than one thousand dollars the board of commissioners shall by resolu-

tion specify the nature of the work to be contracted for, or the quality and quantity of the supplies or material to be purchased, and authorize the city manager to advertise for and receive bids under seal for the execution of such work or the purchase of such supplies or material. The city manager shall advertise for bids by notice posted up at the city hall door and by inserting notice of the request for bids in at least one issue of a daily newspaper published in the city, and the notices shall be published at least seven days prior to the opening of bids. No bid shall be opened withtin ten days from the date on which the resolution is adopted, and no bid shall be received after the hour fixed for the opening of bids. All bids received by the city manager up to the time fixed by the resolution for the opening of bids shall be filed with the board of commissioners who may let the contract to the lowest responsible bidder. The city manager may, for and on behalf of the city, enter into any contract involving the expenditure of one thousand dollars or less, but in the event such contract involves the expenditure of more than five hundred dollars he shall advertise for bids in the manner provided in this subsection and let the contract to the lowest responsible bidder. The board of commissioners or the city manager may reject all bids, in which event they may advertise for new bids in the manner provided in this subsection.''

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, subsection (1) of section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, subsection (2) of section one shall be treated as being subsection (2) of KRS 89.590, and KRS 89.590 shall otherwise remain in full force and effect.

By Mr. Henry Ward

H. B. 82. An Act relating to indexes to county records.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) In any county where indexes to the records of deeds, mortgages, wills, marriages, or other public records have been or may hereafter be prepared by the Works Projects Administration or other agency of the United States government, such indexes, or any of them, may be adopted as the official indexes of such records in the manner provided by this section. Upon the completion of any such indexing project by the said Works Project Administration or other agency, or at any time thereafter, any citizen of the county may petition the county court to have the index adopted as the official index.

(2) Upon the filing of the petition, the court shall forthwith by appropriate order direct the clerk of the county court to examine the index proposed to be adopted and ascertain whether the index is a complete and accurate index or the records to which it pertains. The clerk shall thereupon make such examination as may be necessary to ascertain to his satisfaction whether such index is complete and accurate. Upon completion of such examination, the clerk shall make written report to the court of the results thereof and of his recommendations, which report shall lie over for exceptions until the second regular term of the county court thereafter held.

(3) Notice of the filing of the report shall be given by the clerk by publication in at least two issues of a daily newspaper published in the county, or if there is no daily newspaper, in a weekly newspaper, if there is no weekly newspaper, by written or printed notices posted at the court house door and in the county clerk's office for two weeks.

(4) Exceptions may be filed by any interested person. The court shall hear such proof as may be thought proper respecting the report filed by the clerk and the exceptions, if any, and shall be judicially determined whether the index is complete and accurate, and if it is determined that the index is complete and accurate, an order shall be entered adopting the index. If it appears that corrections or additions should be made to the index in order to render it accurate and complete, the order may direct that such corrections or additions shall be made by the clerk, and the clerk shall make such corrections or additions forthwith, and upon his report that he has done so an order shall be entered adopting the index as so corrected.

§ 2. If adopted, the index shall thereupon become the official index of the records to which it pertains, and all persons shall be entitled to rely thereon to the same extent as if the index had been prepared by the county clerk. Upon the adoption of any such index, the clerk shall bring it up to date from the point at which it ceased to be made by the Federal agency which prepared it, and shall continue and maintain the index thereafter in lieu of the indexing system theretofore used, and shall index all instruments lodged for record in conformity therewith. The indexes theretofore used shall not be destroyed after the adoption of the new indexes, but shall be safely kept by the clerk as other records are kept, subject to inspection by any person interested therein.

§ 3. All expenses incurred by the county clerk under the provisions of this section, including the expense of advertising, shall be paid by the clerk out of the receipts of his office as other expenses of his office are paid.

§ 4. By reason of the fact that in several of the counties of this Commonwealth indexes have been prepared which are suitable for adoption under the foregoing section, an

emergency is declared to exist with respect thereto, and this act shall therefore become effective immediately upon its passage.

By Mr. Henry Ward

H. B. 83. An Act relating to public parks in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 3235b-12 and 3235b-13 of Carroll's Kentucky Statutes, 1936 edition, as amended by Chapter 125 of the Acts of 1940, are consolidated into one section and amended to read as follows:

"(1) The city may appropriate a sufficient sum to provide for the purchase, care and improvement of public parks, and to meet the expenses of the boards of park commissioners, and may maintain public parks out of the city funds to the same extent as it is authorized to maintain other public property.

"(2) Two funds in whatever amounts the city legislative body deems sufficient for the care and maintenance of public parks may be annually appropriated for that purpose, and each shall be held by the treasurer of the city in a separate and distinct account, one for use by the white park board and the other for use by the colored park board. The money in either fund shall be paid out by the tresaurer only upon an order issued by the board of park commissioners for which the fund is appropriated, signed by its secretary and countersigned by its president, and after a bill for the with-

drawal has been approved by the board at session assembled. In no event shall the treasurer honor in any one year orders for a greater sum than the amount appropriated for park purposes.''

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 97.470, and shall thereafter be treated as an amendment to KRS 97.470 rather than an amendment to §§ 3235b-12 and 3235b-13 of Carroll's Statutes.

By Mr. Simpson.

H. B. 84. An Act relating to drainage districts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. If at any time any person owning lands within any drainage district desires to withdraw his lands from the drainage district, such person shall petition the county court for a withdrawal of his lands from the district. The judge shall docket the petition upon the docket of his court which convenes not less than fifteen days after the filing thereof with him, and issue and cause to be served upon the drainage board notice that, at the next term of his court which convenes not less than ten days after the service, he will consider the petition. Upon proper showing that the lands should be withdrawn from the drainage district, and if no valid reason is shown against the withdrawal of the lands from the drainage district, the judge shall enter an order withdrawing the lands. After the order of withdrawal

is entered, the lands shall cease to be within the drainage district, but an appeal may be taken from the order to the circuit court, and from the circuit court to the Court of Appeals.

Section 2. The withdrawal of lands from a drainage district as provided for in SECTION one shall not relieve lands already within a drainage district from the payment of its proportionate part of any bonds or other outstanding indebtedness which were issued or incurred for the construction of ditches in the district, but shall only relieve the lands from the payment of maintenance assessments on the ditches.

By Mr. Bert Hall.

H. B. 85. An Act to regulate and control the milk industry, to regulate the distribution and sale thereof, to create a Milk Control Board, providing for the appointment of its members, prescribing its duties and defining its powers, to provide for a Director of Milk Control, prescribing his duties and defining his powers, to create a Milk Control Fund, providing for the enforcement of this act, to authorize the Board to fix minimum prices, providing for an adequate supply of wholesome milk, providing for licensing certain of those engaged in the milk industry, to provide for the revocation of said licenses, to fix license fees, providing for penalties for violation of this act, providing how and in which localities this act shall become applicable, and for other purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. DEFINITIONS. As used in this Act, unless the context requires otherwise:

(a) "Board" means the Milk Control Board established by this Act;

(b) "Consumer" means any person except a producer, producer-distributor, distributor, or store, who buys milk for fluid consumption;

(c) "Director" means the Director of Milk Control established by this Act;

(d) "Distributing Plant" means any milk gathering station, processing plant, or barn where milk is collected and bottled or otherwise processed and prepared for sale, except for sale to distributors only, irrespective of whether or not such milk is produced at such station, plant, or barn;

(e) "Distributor" means any person who, on his own behalf or on behalf of others, purchases or receives milk from producers, producer distributors, associations or producers, or other distributors, all or a portion, of which milk is disposed of as milk in the marketing area, and who is not a store;

(f) "Licensee" means licensed producer, licensed producer-distributor, or licensed distributor;

(g) "Milk" includes raw milk, pasteurized milk, cream, buttermilk, flavored milk, ice-cream mix, and recombined milk, but does not include butter, cheese, ice cream, or condensed or evaporated milk contained in hermetically sealed cans; when quantity of milk is referred to, the intention is to designate a standard whole milk equivalent;

(h) "Milk-Shed" means any area designated by the Board as a natural marketing area, and shall include one or more cities, or communities and surrounding territory, containing in each such area not less than one thousand (1,000) in population.

(i) "Processor" means a person who buys milk for the

processing of milk into products or by-products of milk no part of which is resold as fluid milk;

(j) "Produce" means any person producing milk for sale to one or more distributors;

(k) "Producer-distributor" means any person who buys no milk from others, but produces milk and sells all or part thereof to stores or consumers and does not include persons producing and selling all milk so produced on a non-commercial basis or to processors only; and

(l) "Store" means any wholesale or retail grocery store, hotel, restaurant, cafeteria, soda fountain, dairy products store, warehouse, manufacturing plant, or similar mercantile establishment which buys milk and resells within any milk-shed to which this Act is applicable such milk without treating, changing, pasteurizing, or otherwise processing the same. Whenever one person shall operate more than one store or shall operate his business in more than one unit, each such store or unit shall be deemed to be a separate and distinct store.

2. CONSTRUCTION.

(a) The license required by this Act shall be in addition to all other licenses required by law. This Act does not alter or repeal any regulatory sanitary laws regulating the sanitary production and distribution of milk or milk products, or any regualtions governing such service now in existence or subsequently adopted or amended as required by law, not any laws pertaining to cooperative marketing associations. This Act is intended to facilitate the orderly marketing of milk so that uneconomic practices will not undermine sanitary regulations and standards of content and purity and thereby dstroy the supply of wholesome and healthful milk to the people of this State.

(b) This Act shall not be construed to affect in any manner the relations between any cooperative marketing association organized pursuant to the laws of this State or of the United States, and its members or producers selling to it; but any such association shall itself comply with the provisions hereof as a producer with respect to milk sold to distributors and as a distributor with respect to milk sold to others.

(c) Nothing in this Act shall apply to any producer not having more than two (2) cows from which he is actually selling milk.

3. MILK CONTROL BOARD.

The Governor shall appoint a Milk Control Board.consisting of seven members (7). The membership of the Board shall be maintained to include two independent producers who are not members of any cooperative marketing association, one producer-distributor, one distributor, one consumer, and two members of cooperative marketing associations engaged in marketing fluid milk. The members of the Board shall be appointed by and shall serve at the pleasure of the Governor and not more than two members of said Board shall reside in any one Congressional district of the State. Each appointed member shall be paid from the Milk Control Fund six dollars for each day actually engaged in official functions of the Board plus subsistence and necessary traveling expenses.

4. DIRECTOR OF MILK CONTROL BOARD.

The Governor shall appoint a Director of the Milk Control Board, who is experienced in the milk business and who shall serve at the pleasure of the Governor. His compensation shall be fixed by the Governor to be paid monthly from the Milk Control Fund, but shall not exceed Four Thousand

($4,000.00) Dollars per annum. The Director, with the approval of the Board, shall appoint and at pleasure remove such assistants and employees as may be necessary to carry out the provisions of this Act, prescribe their powers and duties, and fix their compensations which shall be paid from the Milk Control Fund.

5. MILK-SHEDS.

Upon its organization, the Board shall designate natural marketing areas within the State, each of which shall constitute a milk shed, and the Board may, from time to time thereafter designate additional milk sheds or combine two or more milk sheds in which this Act is effective. After the designation of any milk shed and upon petition to the Board therefor the Board shall hold an election within such milk shed to determine whether or not the provisions of this Act shall be made applicable within such milk shed. Each producer-distributor, and distributor who sells as much as ten gallons of milk per day within the milk shed shall be entitled to one vote only. If in any such election, a majority of the votes cast shall be favorable thereto, the provisions of this Act shall thereupon apply within such milk shed and shall remain in force throughout the remaining life of this Act, provided, however, fifteen percent of the producers in said area may petition the Board to hold an election to determine whether or not a continuation of said order is desired by a majority of the producers and producer-distributors in said area. If, at said election, fifty-one per cent of the producers or producer-distributors vote for a termination of said order, it shall be termintated thirty days thereafter. The Board shall advertise each such election and make reasonable rules governing the conducting thereof. The decision of the Board as to the results of any such election shall be final, but the provisions of this Act shall not apply within any part of this

State except within any milk shed wherein a favorable election has been held as provided in this section.

6. GENERAL POWERS.

The Board, with the assistance of the Director or its duly authorized agents, shall enforce the provisions of this Act and the Director, or any duly authorized agent of the Board is hereby empowered with the authority, subject to the provisions of this Act and the approval of the Board, to supervise and regulate the production, transportation, manufacture, storage, distribution, delivery, or sale of milk for the purpose of improving the economic conditions. For purposes of enforcing or administering the provisions of this Act, the Board may administer oaths and take affidavits, subpoena and require the attendance of witnesses and the production of books, papers, and documents, and examine such witnesses, and take despositions of witnesses who are out of the state, unable to attend, or excused from attendance, as may be necessary in connection with any public hearing, investigation, or other matters as provided in this Act. In case of failure of any person to comply with any subpoena issued under authority of this Act, or the refusal of a witness to testify to any matter regarding which he may be lawfully interrogated, the Judge of the Circuit Court of the county in which such person resides or of the county in which such person may be personally served, on application of the Director, or authorized representative of the Board, shall compel obedience by attachment proceedings as for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

7. RULES AND ORDERS.

The Board may make and enforce all rules and regulations, and all orders necessary to carry out the provisions of

this Act. Every rule or order of the Board shall be posted, and shall remain so posted for a period of at least ten days, for public inspection in the main office of the Director and published in each milk shed. Such posting in the main office of the Director of any rule or order shall constitute due and sufficient notice to all persons affected by such rule or order. A rule or order of the Board when duly posted as provided in this section, shall have the force and effect of law. Such rules or orders which have remained posted for ten days or more shall be thereafter kept in the office of the Director subject to public inspection at any time during the office hours.

8. ENTRY AND INSPECTION.

For the purpose of enforcing this Act, the Board, acting through the Director or any authorized agent, shall have access to, and may enter at all reasonable hours, all places where milk is being sold, offered for sale, stored, bottled or manufactured into food products. The Board, acting through the Director or an agent authorized by it, may inspect all books, papers, records, or documents in any place within the state for the purpose of ascertaining facts to enable the Board to administer this Act. The members of the Board, the Director, and any other person having possession of such information pursuant to the provisions of this Act, shall not divulge to any person, or corporation the contents of any document, papers, or record examined by any of them in the performance of their duties hereunder or any information obtained by any of them in the course of his investigations, except as may be required to carry out the purposes of this Act and any person violating the provisions of this section shall be subject to the penalties imposed in Section 25.

9. LICENSES TO PRODUCERS, PRODUCER-DISTRIBUTORS AND DISTRIBUTORS.

In any Milk Shed where the provisions of this Act once

apply, it shall be unlawful for any producer, producer-distributor, or distributor to produce, transport to, sell, buy, handle, or distribute milk unless such person be duly licensed as provided by this Act or 1905a-51 Ky. Statute. No such person shall sell, handle, or distribute milk which he knows or has reason to believe has been previously dealt with or handled in violation of any provision of this Act.

10. APPLICATION FOR LICENSE.

An applicant for a license to operate as milk distributor, producer, or producer, distributor shall file an application upon a blank prepared under authority of the Board. An applicant shall state such facts concerning his circumstances and the nature of the business to be conducted as in the opinion of the Board are necessary for the administration of this Act. Such application shall be accompanied by any license fee required to be paid in advance. The Board may classify licenses and may issue licenses to milk distributors to carry on a certain designated kind of business only, or the same may be limited to a particular community or to a particular market of markets in the state, and may specify the place or places where milk may be received from producers, but all classifications and limitations must be uniform within the same milk shed. Each application for a license shall be in writing under oath. If the applicant is doing business within any municipality or county within any such milk shed which requires a health permit to do business, he shall accompany his application with such evidence as may be required by the Board that he holds such permit. Application shall be duly made within thirty days after this Act takes effect in any milk shed by all persons required herein or by Ky. Statutes 1905a-51 to be licensed in such milk shed.

11. LICENSE FEES.

All persons except cooperative marketing associations

required by this Act to be licensed shall pay such uniform license fees made necessary by this Act which fees may be fixed by the Board as follows: Each producer shall pay a fee, not in excess of two cents for each one hundred pounds of milk sold. Each producer-distributor shall pay a fee, not in excess of two cents for each one hundred pounds of milk sold by him. Producers and producer-distributors shall pay their fees monthly under such rules and regulations as the Milk Control Board may prescribe. Said rules shall require the distributors to collect and pay all fees due on milk received by them.

12. BONDS AND ENFORCEMENTS.

(a) Each distributor buying milk from producers for resale or manufacture shall execute and file a bond, unless relieved therefrom as hereinafter provded. The bond shall be upon a form prescribed by the Board, shall be in the sum fixed by it, but not less than two Thousand Dollars, shall be executed by a surety company authorized to do business in this State, and shall be conditioned for the prompt payment of all amounts as and when due producers for milk sold by them to such licensee, during the licensee year. The bond shall be approved by the Board.

(b) Upon default by the distributor in any conditions of the bond, if there is reason to believe that the distributor owes for milk purchased from Producers, the Board shall give reasonable notice to file verified claims and may, if it deems advisable, fix a reasonable time within which such claims must be filed. The Board shall examine claims so filed and by certificate determine the amounts due upon them. The Board may bring an action upon the bond and for the purposes of such action the certificate determining the amounts due shall be prima facie evidence of the facts therein stated. If the recovery upon the bond is not sufficient to pay

all claims filed and established as finally determined, then the amount recovered shall be prorated among claimants.

(c) All distributors shall from time to time, when required by the Board make and file a verified statement of disbursements during a period to be precribed by the Board, said statement shall also list the names and addresses of the supplying producers. If it appears from such statement or from facts otherwise ascertained by the Board that the security afforded to producers selling milk to such licensee by the bond does not adequately protect such producers, the Board may require such licensee to give additional bond in the sum to be determined by the Board, but not more than double the value of the maximum amount of milk purchased from producers in any one month, and not exceeding in any event Ten Thousand Dollars.

(d) The provision of this Act relative to distributors buying milk from producers for resale, shall apply also to a distributor buying milk from a cooperative association or buying milk from another distributor or producer-distributor whenever in the judgment of the Board, protection by bond or otherwise is necessary or desirable to protect the interests of producers.

(e) If the applicant for a license under this section is a natural person or a domestic corporation, the Board may, if satisfied from an investigation of the financial condition of the applicant that the applicant is solvent and possessed of sufficient assets to reasonably assure compensation to probable creditors, exempt for such time or period as it deems advisable such person or corporation, by order, from the provisions of this section requiring the filing of a bond.

(f) The Board may require, in lieu of bond, as a condition precedent to relieving such person or corporation

from filing a surety bond, that cash be deposited with a bank or trust company, or bonds of the United States or of Kentucky or a political subdivision thereof, be deposited with the Board, under such terms as will in its opinion afford producers the protection intended by this section. Bonds for the license year commencing when the Act applies and for subsequent license years, shall be filed with the application.

13. GRANTING AND REVOKING LICENSES.

(a) No license shall be granted unless the Board is satisfied that the applicant is qualified by character, general fitness, experience, and equipment to properly conduct the proposed business; that the issuance of the license will not tend to promote a desetructive or demoralizing competition in a market already adequately served, and that the issuance of the license is in the public interest.

(b) The Board may decline to grant or renew a license or may suspend or revoke a license already granted hereunder or under 1905a-51 Ky. Statute, upon due notice and opportunity of hearing to the applicant or licensee, when the Board after a hearing has become convinced:

(1) That any such applicant or licensee has failed to keep records or to furnish the statements or information required by the Director;

(2) That any statement upon which the license was issued was false or misleading in any particular;

(3) That the applicant or licensee has violated directly or indirectly, or is violating any of the provisions of this Act, or has failed or is failing to comply with any requirement as herein provided;

(4) That the applicant or licensee is retaining a sales

agent, employe, or associate in business who individually has violated or is violating the provisions of this Act;

(5) That the applicant or licensee has failed to remit license fees due directly from him to the Director hereunder; or

(6) That the applicant or licensee has not complied with the health and sanitary requirements of the board of health of any city or county in which his milk is being sold, or has not complied with any other health laws of this state which are applicable to him.

(c) A licensee revoked for nonpayment of license fees shall only be reinstated upon payment of all of the amount remaining due, plus a penalty of ten per cent. The Board may grant or renew a license or may decline to suspend or revoke a license conditionally upon the agreement of the applicant or licensee to do or omit to do any designated act, but such condition must have some application relative to the administration of this Act.

14. RECORDS.

The Board may require licensees under this Act or 1905a-51 Ky. Statute to keep any of the following records:

(a) A record of all milk received, detailed as to location, and as to names and addresses of suppliers, with butter fat tests, prices paid, deductions or charges made.

(b) A record of all milk sold, classified as to grade, location, and market outlet and size and style of container, with prices and amounts received therefor.

(c) A record of the quantity of each milk product

manufactured and quantity of milk or cream used in the manufacture of each product, also the quantity and value of milk products sold.

(d) A record of wastage or loss of milk or butter fat.

(e) A record of the items of the spread or handling expense and profit or loss, represented by the difference between the price paid and the price received for all milk.

(f) Such othr records and information as the Director may deem necessary for the proper enforcement of this Act.

15. REPORTS.

Said licensees shall, from time to time, as required by rule or order of the Board, make and file a verified report with the Director, on forms prescribed by the Board, of all matters on account of which a record is required to be kept, together with such other information or facts as may be pertinent and material within the scope of the purpose and intent of this Act. Such report shall cover such period of time as may be specified in the order.

16. BOND.

The member of the Board or the person designated by it, authorized to accept or receive money paid or to be paid to the Board as provided by this Act shall, before he enters upon the discharge of his duties, execute and file a bond in such amount as may be fixed by the State Treasurer in the manner provided by law for public officers.

17. MILK CONTROL FUND.

All monies received by the Board from producers and producer-distributors as fees for licenses or otherwise shall be paid into the State Treasury and kept in a separate fund

to be known as the Milk Control Fund. Such fund is hereby allocated to the Milk Control Board for the enforcement of this Act and is hereby appropriated, and shall be continuously available for that purpose. Any balance remaining in the Milk Control Fund upon expiration of the life of this Act shall be transferred to the General Funds of the State. The Board shall have the authority to borrow money and pledge licensee fees for the payment thereof in carrying out its duties in the administration of this Act.

18. MINIMUM PRICES.

(a) The Board may determine, after public hearing, what prices for milk in a Milk-Shed within which this Act is applicable, will adequately protect the milk industry and insure a sufficient quantity of pure and wholesome milk to adults and minors, having special regard to the health and welfare of children, and be most in the public interest. The Board shall take into consideration all conditions affecting the milk industry, including the amount necessary to yield a reasonable return to the milk producer and to the milk distributor. In determining what is a reasonable return to the producer, the Board shall take into consideration that necessary cost incurred in maintaining dairy animals in a healthy condition, paying wages and supplying working conditions to employees sufficient for their subsistence at levels generally obtained, and for the safe-guarding of their health in defraying the ordinary fixed charges and operating expenses incidental to the ownership, control and management of a herd of average numerical size, including a reasonable amount representing annual rent of land and equipment necessarily utilized therein and in addition to afford such producers a reasonable return in excess of their cost of production. In determining the reasonable return to the producer-distributor and distributor, the Board shall take into consideration reasonable average operating expenses in processing, storage,

transportation and delivery charges, and all necessary reasonable expenses connected therewith.

(b) The Board after making such determination and based thereon, may fix by official order the minimum prices to be paid the producer for milk handled within any Milk-Shed to which this Act be applicable and wheresoever produced. Such prices so fixed by the Board may vary according to the localities in which such prices shall apply, but each price-fixing order issued by the Board shall be uniformly applicable to all persons subject thereto provided however that there shall be but one price classification of milk.

(c) After the Board has fixed prices to be charged or paid for milk as aforesaid, it shall be unlawful for a producer, producer-distributor, or distributor to sell, or buy, or offer to sell or buy milk at any price less than such price or prices as shall be applicable to the particular transaction, and any method or device whereby milk is bought or sold or offered to be bought or sold at a prices less than such price as shall be applicable to the particular transaction, whether by any discount, rebate, free service, advertising allowance, donation, financial aid, free equipment, or a combined price for such milk together with another commodity, or service which is less than the aggregate of the price for the milk and the price of such other commodity or service when sold or offered for sale separately or otherwise, shall be unlawful and in violation of this Act.

(d) The Board may, after public hearing, from time to time, alter, revise or amend an official order heretofore made with respect to the minimum price to be charged or paid for milk; provided that in no case shall the price of milk paid the producer be less than one-half of the price paid by the ultimate consumer for standard fluid-milk.

(e) Before making, revising or amending any order

fixing the minimum price to be charged or paid for milk, the Board shall cause to be held a public hearing thereon, upon at least ten days' notice to the public by publication in a newspaper of general cidculation in the Milk-Shed within which the order may be effective. Such hearing shall be at such time and place as the Board sets and designates in the notice. The Board shall cause a verbatim record of each such public hearing to be kept and transcribed for the records of the Board.

19. JUDICIAL REVIEW OF ORDER OF BOARD; PARTIES AND PROCEDURE; COSTS.

(a) Any order of the Milk Control Board refusing a license or revoking or suspending a license may be appealed from by the applicant or licensee, as the case may be, and any order of said Board granting a license or refusing to revoke or suspend a license may be appealed from by any citizen feeling himself aggrieved. The party aggrieved may, within ten days after the entry of the order with which he is dissatisfied, file in the office of the Clerk of the Franklin Circuit Court an attested copy of the order, of all the evidence heard, and of all the steps taken by the said Board relative to the order being contested provided he shall first post a bond to secure the costs of that action in such sum as may be approved by the Circuit Court, with a corporate surety approved by the Division of Insurance of the Department of Business Regulation as to solvency and responsibility and authorized to transact business in this Commonwealth. The Milk Control Board and the licensee or applicant shall be necessary parties to all such appeals. The Circuit Court Clerk shall thereupon docket the case as though it were a petition in equity, and shall immediately issue a summons for said Milk Control Board, if the appeal be taken by an applicant or licensee, or a summons for said Milk Control Board and the licensee if the appeal be prosecuted by a citizen. Such sum-

mons shall be returnable in the same manner as are summons in equity cases. If the appeal be from an order refusing to grant a license or revoking or suspending a license it shall be the duty of the Milk Control Board, when served with such summons, or of such person as it may designate, to appear and defend the action of the Milk Control Board in refusing to grant or in revoking the license in question. If the appeal be from an order granting a license or refusing to revoke or suspend a license the burden of appearing and defending the action of said Board shall be upon the licensee.

(b) No formal pleading shall be required in such appeals, but the case shall be set down by the Court for as early a day as possible for a hearing, and such appeals shall in all respects to be expedited as are declaratory judgment suits; after such hearing the Court shall enter a judgment sustaining or setting aside the order of the Milk Control Board appealed from. No new or additional evidence may be introduced in the Circuit Court except as to the fraud or misconduct of some party engaged in the administration of this Act and affecting the order appealed from, but the Circuit Court shall otherwise hear the case upon the record as attested by the Board, and shall in all respects dispose of the appeal in a summary manner, its review being limited to determining whether or not:

(1) The Board acted without or in excess of its powers.

(2) The order appealed from was procured by fraud.

(3) If questions of fact are in issue, whether or not any substantial evidence supports the order appealed from.

(c) Any party aggrieved by a judgment of the Circuit Court may appeal to the Court of Appeals in the same manner that appeals are taken under the declaratory judgment act.

(d) If the appeal be from an order refusing to grant a license, or revoking or suspending a license, the costs shall be taxed against the applicant or licensee in any event. If the appeal be from an order granting a license or refusing to revoke or suspend a license, the costs shall be taxed against the citizen who, feeling himself aggrieved, has contested the order, in the event that the order of the Board granting the license or refusing to revoke or suspend the license, is sustained. In the event that such order is set aside with direction to the Board to refuse the license or to revoke or suspend the license, the cost shall be taxed against the licensee.

(e) No order granting a license shall become effective, and no license thereunder shall be issued, until the expiration of ten days after the date of the entry of such order; and if, within said period of ten days, an appeal from said order shall have been filed as provided by this section, then such order shall not become effective until said appeal shall have been finally determined

(f) If a license shall be revoked or suspended by an order of the Board, the licensee shall at once suspend all business or other operations authorized under his license though he may file an appeal in the circuit court from the order of revocation or suspension, and no court shall have authority to issue an injunction to suspend the operation of an order of revocation or suspension pending an appeal. If upon appeal to the circuit court an order of suspension or revocation is upheld, or if an order refusing to suspend or revoke a license is reversed, and an appeal is taken to the Court of Appeals, no court shall have authority to issue an injunction to suspend the operation of the judgment of the circuit court pending the appeal.

20. COOPERATION WITH OTHER GOVERNMENTAL AGENCIES.

In order to secure a uniform system of milk control, the Board is hereby vested with power and it shall be its duty to confer and cooperate with the legally constituted authorities of other states and of the United States, including the Secretary of Agriculture of the United States, in the effectuation of the purposes of the Agricultural Adjustment Act and for the foregoing purposes, the Board shall have power to conduct joint hearings, issue joint or concurrent orders and exercise all its powers under this Act.

22. VIOLATIONS: REMEDIES.

(a) Any person who violates any provision of this Act, or any rule or order of the Board lawfully made hereunder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than Twenty Dollars nor more than One Hundred Dollars, and each day during which such violation shall continue, shall be deemed a separate offense.

(b) The Director, with the approval of the Board, may institute such legal action as may be necessary to enforce compliance with any provision of this Act, or any rule or order of the Board made pursuant to the provisions of this Act, and may apply to the circuit court for relief by injunction, without being compelled to allege or prove that an adequate remedy at law does not exist.

23. CONSTRUCTION OF ACT.

Each section of this Act is hereby declared to be separate and independent of every other section thereof, and, if for any reason any section or provision of this Act shall be held to be unconstitutional or invalid, no other section or provision of this Act shall be affected thereby, as the remaining parts

of the Act would have been passed by the General Assembly if such unconstitutional or invalid section or provision, if any, had been stricken out before the passage of this Act by the General Assembly.

24. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the number "KRS 260.170" shall be substituted for "1905a-51 Ky. Statute" in sections 9, 10 and 13 of this Act.

By Mr. Ray Stephenson

H. B. 86. An Act to repeal, amend and re-enact Sec. 2015, Carrol's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Asembly of the Commonwealth of Kentucky,

that Section 2015, Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that when amended and re-enacted, the said Section shall read as follows:

§ 1. "The several County Courts shall have jurisdiction for the appointment and removal of guardians to minors, and the settlement of their accounts. The County Court of the County in which the minor resides at the time of appointment shall have the jurisdiction; but if the appointment is made by the will of the Father or Mother of the minor, then the jurisdiction shall be in the County Court of the County in which the will was probated; and if the minor be a non-resident of the State of Kentucky and has real estate or an interest in real estate in the State of Kentucky, the jurisdiction shall be in the County Court of that County in which

some portion of such real estate may lie; if the minor be a non-resident of the State of Kentucky and has no real estate or interest in real estate in the State of Kentucky, but has personal property in the State of Kentucky, then the jurisdiction shall be in the County Court of that County in which such personal property is located; if the minor be a non-resident of of the State of Kentucky and has real estate or personal property or an interest in real estate or personal property in more than one County in the State of Kentucky, then the jurisdiction shall be in the County Court of either or any of such counties in which the real estate or personal property is located which first takes jurisdiction in proceedings for the appointment of a guardian, and the appointing of a guardian for a minor who is a non-resident as herein provided for the guardianship shall be only for that property or interest in property within the State of Kentucky. In the event of a minor who resides in the State of Kentucky but has no property within the State of Kentucky, either real or personal, but it is necessary that a guardian be appointed to give consent to marriage, or enlistment in the Army or Navy, or in any other case where the law requires the consent of a guardian, then and in that event the County Court of the County in which the minor has resided not less than one year shall have the jurisdiction and authority to appoint a guardian for the purpose of giving such consent.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 387.020, and thereafter be treated as an amendment to KRS 387.020 rather than an amendment to § 2015 of Carroll's Statutes.

By Mr. Ray Stephenson

H. B. 87. AN ACT to repeal, amend and re-enact Section 2032, Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2032, Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that when amended and re-enacted, the said section shall read as follows:

"In the event that an infant for whom a guardian has been appointed shall not have either a father or mother, then such guardian shall have the custody of his ward and the possesion, care and management of the ward's estate, real and personal, and out of the estate shall provide for the necessary and proper maintenance and education of the ward."

If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the preceding paragraph shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (1) of KRS 387.060, and thereafter be treated as an amendment to subsection (1) of KRS 387.060 rather than an amendment to §2032 of Carroll's Statutes.

By Mr. Love.

H. B. 88. An Act to repeal, amend and reenact Section 1954d-45 of Baldwin's 1938 Kentucky Statutes Service which is section 45, of Chapter 107 of the Acts of 1938, relating to the taking of Mussels from public waters.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1954d-45 of Baldwin's 1938 Kentucky Statute Service, being Section 45 of Chapter 107 of the Acts of 1938, is hereby amended to read as follows:

The Director may, upon application, issue a license to take or kill mussels. Upon making application for a musseling license, residents of this state shall pay a fee of five dollars and non-residents shall pay a fee of twenty dollars to the Game and Fish Division. All license shall expire on December 31 following their issue.

The licenses shall be consecutively numbered as issued and records of licenses shall be kept in the office of the Game and Fish Division. A license shall state whether it is a resident or non-resident license, and shall entitle the holder to operate one boat only. An operator desiring to operate more than one boat shall secure a separate license for each boat. The holder of the license while taking, catching or killing mussels for commercial purposes shall have his license with him ready for exhibition, and shall exhibit it when required to do so by an authorized officer.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (2) and (3) of KRS 150.490, and thereafter be treated as an amendment to subsection (2) and (3) of KRS 150.490 rather than an amendment to § 1945d-45 of Baldwin's Supplement.

By Mr. Wilson.

H. B. 89. An Act relating to appropriations for the Division of Banking.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (7) of section 1, of Chapter 30 of the 1940 Acts of the General Assembly is amended to read as follows:

(1) All moneys collected by the Division of Banking, from any source, during any fiscal year, in excess of the amount appropriated out of the General Expenditure Fund to the Division of Banking for that fiscal year, shall be placed in a revolving fund in the State Treasury to be expended for the ordinary recurring expenses of operation of the Division of Banking.

(2) All moneys collected by the Division of Banking during the fiscal year from July 1, 1941 to June 30, 1942, in excess of the moneys appropriated to the Division of Banking out of the General Expenditure Fund for that fiscal year shall be placed in the revolving fund created by this section.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 47.070, and thereafter be treated as an amendment to KRS 47.070 rather than an amendment to 1940, c. 30, § 1, subsection 7.

By Mr. Tinsley.

H. B. 90. An Act to amend § 2739g-77 of Carroll's Statutes, 1936 edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2739g-77 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

The Department of Highways may purchase, use and operate such kinds, models and makes of passenger motor vehicles as the Commissioner of Highways deems necessary for the proper functioning of the Department of Highways. Such vehicles shall be purchased through the Division of Purchases and Public Properties as now provided by law.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and subsection (3) of KRS 44.050 shall also stand repealed, but KRS 44.050 shall not otherwise be affected by this Act.

§ 3. Due to the restrictions placed upon the sale of passenger motor vehicles by the Federal Government and due to the increase in the price of said vehicles, an emergency is hereby declared to exist and this Act shall become effective immediately after passage by the General Assembly and approval by the Governor.

By Mr. Vance.

H. B. 91. An Act relating to appropriations for the State Soil Conservation Committee and requiring reports in connection therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Appropriations out of the State Treasury to the State Soil Conservation Committee shall be used to pay the

expenses of the committee and to pay the administrative and other expenses of soil conservation districts already organized or to be organized. Such appropriations shall be expended as the committee considers best to promote soil conservation in this state in accordance with the Act of 1940, c. 8.

§ 2. In its biennial report to the State Budget Officer the State Soil Conservation Committee shall, in addition to the requirements of existing law, state:

(1) The number and acreage of districts in existence or in process of organization;

(2) An estimate of the number and probable acreages of the districts which may be organized during each of the two ensuing fiscal years;

(3) A statement of the balance of funds, if any, available to the committee and to the districts; and

(4) The estimates of the committee as to the sums needed for its administrative and other expenses and for allocation among the several districts during each of the two ensuing fiscal years.

§ 3. The supervisors of the respective soil conservation districts shall submit to the committee such statements, estimates, budgets, and other information at such time and in such manner as the committee requires.

By Mr. Curd.

H. B. 92. An Act making it unlawful to sell, or offer for sale spirituous, vinous malt alcoholic and intoxicating liquors within a radius of twenty (20) miles of any camp, fort or cantonment, where soldiers of the United States of America are trained or encamped, while the United States of

America is at war; fixing a penalty therefor; declaring an emergency and repealing any and all conflicting acts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be unlawful to sell, or offer for sale, any spirituuos, vinous, malt alcoholic and intoxicating liquors within a radius of twenty (20) miles of any camp, fort or cantonment, where soldiers of the United States of America are trained and encamped, while the United States of America is at war; and any person, firm or corporation violating the provisions of this Act shall be guilty of misdemeanor; and fined in any sum not to exceed five hundred ($500.00) dollars. All acts or parts of acts in conflict herewith are hereby repealed to the extent of the conflict.

An emergency is declared to exist, and this act shall be enforced from and after its passage and adoption.

By Mr. Quill.

H. B. 93. An Act providing for airports for cities and counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context otherwise requires:

(1) "Airport" includes landing field and aviation field; and

(2) "Airport board" or "board" means a board appointed as provided in section four, but this board may be known by whatever title the city or county or city and county may designate.

(3) "City" means any city of the second, third, fourth or fifth class, and "city and county" means a city and county jointly acquiring an airport under section two.

§ 2. (1) Any city of the second, third, fourth, fifth or sixth class, or any county or any such city jointly with the county in which it is located may acquire, either by lease, purchase, gift or condemnation, in the same manner as park property is condemned, any land necessary or suitable for establishing airports within or without the limits of such city or county. Such cities and counties may erect, equip, operate and maintain, on the land, buildings, equipment, runways and other things necessary or proper for the establishment and maintenance of airports.

(2) All airports already acquired by cities or counties or cities and counties mentioned in subsection (1) shall be subject to the provisions of this Act, but this Act shall not impair existing contracts as to the acquisition and use of such airports.

§ 3. The city or county or city and county may lease the airport to one or more persons upon such terms as may be provided by ordinance or resolution, or may place the management and control of the airport under an airport board, or may operate the airport without the appointment of a board.

§ 4. (1) The city or county, or city and county may by ordinance or resolution provide for the appointment of an airport board, composed of six members, to operate, manage

and control the airport. The legislative body of the city or county, or city and county shall, by the adoption of such ordinance or resolution, prescribe the rules and regulations by which the board shall be governed.

(2) The members of the airport board shall be citizens, taxpayers and legal voters of the county, and no member of the board shall be interested directly or indirectly in any contract for the furnishing of supplies or of service of any kind to the airport.

(3) The first airport board appointed shall serve for terms as follows: Two for one year, two for two years, and two for three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years. In the case of an airport jointly owned by a city and county the members shall be appointed so that the terms of one city member and one county shall expire each year.

(4) If at any time during his term of office any member of the airport board becomes a candidate for nomination or is elected or appointed to any public office, he shall automatically vacate his membership and another person shall be appointed to serve for the remainder of his term, or until a successor has been appointed.

§ 5. (1) The airport board shall be a body-politic and corporate, and shall have the usual corporate powers.

(2) The airport board may make and adopt its own bylaws, rules and regulations, not inconsistent with those of the legislative body or bodies creating it, for the orderly, efficient and economic operation of the airport.

§ 6. Members of the airport board shall serve without compensation unless by ordinance or resolution a salary is fixed, in which event the salary of each member of said board shall not exceed three hundred dollars per year.

§ 7. (1) The airport board shall choose a member of the board as president and shall also elect a secretary-treasurer who may or may not be a member of the board.

(2) The legislative body or bodies shall by ordinance or resolution fix the salary of the secretary-treasurer at not exceeding five hundred dollars per year. The secretary-treasurer shall execute an official bond, to be approved by the board and the cost thereof shall be paid by the legislative body or bodies which created the board.

§ 8. (1) The secretary-treasurer shall keep the minutes of all meetings of the board and shall also keep a set of books showing the receipts and expenditures of the board. He shall preserve on file duplicate vouchers for all expenditures. Such books and vouchers shall at all times be subject to the examination of the legislative body by whom the board is created.

(2) The secretary-treasurer shall annually in January transmit to the legislative body a detailed report of all acts and doings of the board. The report shall show a complete accounting of the board's financial obligations for the preceding year, an itemized account of all receipts and disbursements of money, and an itemized estimate of the money required for operation of the airport during the next year.

§ 9. The city or county or city and county may make rules and regulations for the use and safety of airports and may deny to anyone not a regular licensed pilot or student under a licensed pilot the right to use the airport. They may establish such rates, charges or fees for the use of the airports as they deem best. The airports shall be policed in the manner determined by the city or county or city and county.

§ 10. The city or county or city and county may contract with any person or governmental agency for the use of the

airport. Such contract shall not prevent the general use of the airport by the citizens of the city or county.

§ 11. All moneys derived from the use of the airport shall be first applied to the maintenance of the airport, and the city or county or city and county may expend out of their general funds or any other funds available for the maintenance of the airport.

§ 12. The city or county or city and county may keep gasoline and oil on the airport for the fueling and refueling of aircraft and may sell it at prevailing prices to persons using the airport.

§ 13. The title to all property acquired under the provisions of this Act shall vest in the city or county or in both. All properties acquired for the establishment and maintenance of an airport shall be exempt from taxation to the same extent as other property used for public purposes. All fees charged or collected for the admission to or for the use of the airport shall also be exempt from taxation.

§ 14. Sections 2741q to 2741q-5 of Carroll's Kentucky Statutes, 1936 edition, and Chapter 169 of the Acts of 1938 are repealed.

§ 15. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section fifteen of this Act shall be treated as repealing KRS 183.300 to 183.360, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

§ 16. There being a state of war existing between the United States and the governments of Germany and Japan, it is necessary that the full power of the Commonwealth of Kentucky be exercised at once to enact all legislation neces-

sary to most effectively carry into effect the immediate establishment of airports and aviation fields for military and civilian use.. Therefore, an emergency is declared to exist and this act shall take effect from and after its passage and approval by the Governor.

By Mr. Quill.

H. B. 94. AN ACT relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When any city so provides by ordinance, the ballots used at any election in which city officers are to be elected shall contain, in a single vertical column, the names of candidates for such city offices grouped according to the offices they seek, and such candidates shall be immeidately arranged under and beneath the title of office such candidates seek. The names of the candidates for such office in each group shall be listed alphabetically. Each group of candidates for each separate office for which such candidates are to be elected shall be separated from the preceding or succeeding groups by a horizontal line transversing the entire ballot and spaced so as to avoid confusion on the part of the voter.

Ordered that said bills be printed and referred.

Mr. Lowman moved that the privilege of the floor be extended to Mr. W. H. Vaughn.

Said motion was agreed to.

Mr. Humston moved that the privilege of the floor be extended to Messrs. Ed Bailey and Eseley Burge.

Said motion was agreed to.

Mr. Tinsley moved that the privilege of the floor be extended to Mrs. Frank Connely of Warsaw, Kentucky, and Mrs. Emma Guy Cromwell of Frankfort.

Said motion was agreed to.

Mr. Tinsley moved that the privilege of the floor be extended to Messrs. Philip Dyson of Haddersville, England, Henry Kelly of London, England, and James Russell of Leven-Fife, Scotland, British Flying Cadets in training in Clewiston, Florida.

Mr. Ward moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Roy L. Taylor of the Committee on Veterans' Affairs.

H. B. 62. An Act providing educational opportunities for the orphans of soldiers, sailors and marines.

By Mr. Nicholas of the Committee on Motor Transportation.

H. B. 70. An Act relating to motor vehicles.

By Mr. Walters of the Committee on Agriculture No. 1.

H. B. 28. An Act relating to the keeping of a record of livestock and wool transactions, etc.

With a Committee amendment thereto.

By Mr. Smither of the Committee on Suffrage and Elections.

H. B. 78. An Act to amend Section 1565b-4 of Carroll's Kentucky Statutes, 1936 Edition.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Ward moved that the Rules of this House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Thereupon the following bills were introduced, viz.:

By Mr. Bolling.

H. B. 95. AN ACT relating to public health, with particular relation to pharmacists, pharmacies, drugs and medical supplies; creating new sections and repealing sections 1376t and 1376t-1 Carroll's Kentucky Statutes, 1936 edition and sections 2619, 2619a-1, 2620, 2621, 2622, 2623, 2625, 2626, 2627, 2628, 2631, 2632 and 2634 of Baldwin's Kentucky Statutes Service, May 1938 edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. *Definitions.* As used in this chapter, unless the context otherwise requires:

(1) "Pharmacy" means every place where:

(a) Drugs are dispensed, or sold at retail, or displayed for sale at retail; or

(b) Where prescriptions are compounded; or

(c) Which has upon it or displayed within it, or affixed to or used in connection with it, a sign bearing the term "pharmacist", "pharmacy", "apothecary", "drug store", "druggist", "drugs", "medicines", "medicine store", "drug sundries", "remedies", or any term of similar or like import, or any place with respect to which any of those terms are used in any advertisement or telephone directory listing; or

(d) Where the characteristic show bottles or colored globes are exhibited.

(2) "Drug" means every article, other than food and other than devices or their components, parts or accessories, that is:

(a) Intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; or

(b) Intended to affect the structure or any function of the body of man or other animals; or

(c) Intended for use as a component of any articles specified in paragraph (a) or (b) of this subsection.

(3) "Medical Supplies" includes drugs, and also includes absorbent cotton, bandages, gauze, sutures, compacts, compresses, surgical dressings of all kinds and descriptions, and all other products, preparations and appliances, other than instruments, appliances or devices used by physicians,

dentists, or veterinarians in their professional practice, that are used in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals or to affect the structure or any function of the body of man or other animals.

(4) "Prescription" means an order written by a legally competent practitioner of medicine, dentistry or veterinary medicine, for the preparation and use of a drug or medical supply.

(5) "Pharmacist" means any person who practices pharmacy, including a druggist, pharmaceutist or pharmaceutical chemist.

(6) "Poison" means any drug or chemical that according to standard medical works is liable to destroy adult human life in quantities of sixty grains or less, or any mixture or preparation containing, in sixty grains or less, a sufficient quantity of such drug or chemical as to make the same liable to be destructive to adult human life if sixty grains or less are taken.

Sec. 2. *Pharmacists required to register.* Except as provided in sections 22 and 26 of this chapter no person shall practice pharmacy or hold himself out as a pharmacist without being registered by the Kentucky Board of Pharmacy.

Sec. 3. *Pharmacies required to obtain permit.* No person shall open, establish, operate or maintain a pharmacy without obtaining a permit from the Kentucky Board of Pharmacy.

Sec. 4. *Persons manufacturing or preparing drugs or medical supplies required to obtain permit.* No person shall manufacture, make, produce, pack, package or prepare any drugs or medical supplies without obtaining a permit from the Kentucky Board of Pharmacy. The permit shall be subject to such rules and regulations with respect to sanitation

and equipment as the Board may adopt from time to time for the protection of the public health and safety.

Sec. 5. *Wholesalers, jobbers or distributors of drugs and medical supplies required to obtain permit.* No person shall sell, offer for sale, vend or distribute at wholesale or as a jobber, broker, agent or distributor or for resale in any manner in this state any drugs or medical supplies without obtaining a permit from the Kentucky Board of Pharmacy.

Sec. 6. *Hospitals and clinic dispensaries required to obtain permit for drugs and medical supplies.* No person shall open, establish, operate or maintain any hospital, clinic, dispensary or other place in which drugs and medical supplies are compounded or dispensed without obtaining a permit from the Kentucky Board of Pharmacy.

Sec. 7. *Permit required for auction sale of drugs and medical supplies.* No person shall sell or offer for sale at public auction or sell or offer for sale at private sale in a place where public auctions are conducted, any drugs or medical supplies without obtaining a permit from the Kentucky Board of Pharmacy. The permission of the Kentucky Board of Pharmacy shall be obtained in every instance where any of the products covered by this section are to be sold or offered for sale.

Sec. 8. *Permit required for distribution of samples of drugs or medical supplies.* No person shall in any manner distribute or dispose of samples of any drugs or medical supplies, except to physicians, dentists and veterinarians for use in their professional practice, without obtaining a permit from the Kentucky Board of Pharmacy. The permission of the Kentucky Board of Pharmacy shall be obtained in every instance where any of the samples referred to in this section are to be distributed or otherwise disposed of. The permission shall cover such territory as is prescribed by the Board.

Sec. 9. *Places other than pharmacies not to sell drugs or medical supplies without special permit.* No person operating a place other than a pharmacy shall sell, offer for sale, vend or distribute any drugs or medical supplies without obtaining a permit from the Kentucky Board of Pharmacy. The Board shall not issue such a permit unless the place of business for which the permit is required is at least five miles distant from the nearest pharmacy. The permit shall be limited to such emergency drugs and medical supplies as the Board from time to time prescribes.

Sec. 10. *Pharmacies must have registered pharmacist in charge.* Every pharmacy shall have a registered pharmacist on duty at all times, who shall be in charge of the pharmacy and who shall, in good faith, devote all of his time to the pharmacy.

Sec. 11. *Manufacture or preparation of drugs or medical supplies to be under supervision of registered pharmacist or other approved person.* No person shall manufacture, make, produce, package, pack or prepare any drugs or medical supplies except under the personal and immediate supervision of a registered pharmacist or such other person as may be approved by the Kentucky Board of Pharmacy after an investigation and a determination by the Board that he is qualified by scientific or technical training or experience to perform such duties of supervision as may be necessary to protect the public health and safety.

Sec. 12. *Sale of drugs and medical supplies limited to pharmacies; actual sale must be by registered pharmacist.* (1) Except as otherwise provided in this chapter, the sale and distribution of drugs and medical supplies is limited to pharmacies operating under permits. The actual sale or distribution shall be made by a registered pharmacist or a person acting under his immediate personal direction and super-

vision, subject to the provisions of subsections (2) and (3) of this section.

(2) The sale of drugs or medical supplies that contain poisonous, potent, or deleterious ingredients shall be made by a registered pharmacist only, and he shall make known to the purchaser, at the time of the sale, the nature of such drug or medical supply.

(3) Drugs declared to be "dangerous drugs" by the Director of the Federal Security Agency, pursuant to the authority conferred upon him by the Federal Food, Drug and Cosmetic Act, shall be distributed or dispensed upon prescription only.

Sec. 13. *Prescriptions.* (1) Prescriptions shall be compounded and dispensed by registered pharmacists only, and in a pharmacy operating under a permit.

(2) Every pharmacy shall preserve on file, for a period of five years, every prescription compounded or dispensed at the pharmacy. The file of prescriptions shall at all times during business hours be open to inspection by the members of the Kentucky Board of Pharmacy and of the Department of Health, or their duly authorized representatives.

Sec. 14. *Kentucky Board of Pharmacy; organization, membership.* (1) There shall be a Kentucky Board of Pharmacy, consisting of five members appointed by the Governor from lists of names submitted by the Kentucky Pharmaceutical Association. The Board shall be a continuation of the Kentucky Board of Pharmacy created by Chapter 54 of the Acts of 1938, and the members of that Board shall continue in office until their respective terms expire.

(2) At its regular meeting each year, the Kentucky Pharmaceutical Association shall nominate and submit five qualified candidates from its membership. The Governor

shall, before October 1 of each year, appoint one person from the names so submitted, but may reject any list and require the submission of other lists. The members appointed in 1942, 1943, 1944, 1945 and 1946 shall succeed the members of the Board created by Chapter 54 of the Acts of 1938 whose terms expire in those years. The members thereafter appointed shall succeed those appointed under this chapter.

(3) Each member shall hold office for five years and until his successor is appointed and has qualified, unless sooner removed for cause. Any vacancy that occurs in the Board created by this chapter or in the office of a member of the Board created by Chapter 54 of the Acts of 1938 shall be filled for the unexpired term by the Governor from the list of names last submitted.

(4) No person shall be appointed to the Board unless he is and has been for at least five years a registered pharmacist in this State, and unless he is actively engaged in a retail pharmacy. Not more than two members of the Board shall be residents of the same county.

Sec. 15. *Officers and employees of the Board.* The Kentucky Board of Pharmacy shall meet in January each year and organize by the election of a President, Vice-President and Secretary-Treasurer, who shall serve for a term of one year and shall perform the duties prescribed by the Board. The President and Vice-President shall be elected from the members of the Board. The Secretary-Treasurer need not be a member of the Board, but shall be a registered pharmacist. The Board may employ such inspector, chemists, agents and other assistants as it deems necessary to carry out the provisions of this chapter.

Sec. 16. *Meetings of Board.* (1) The President of the Kentucky Board of Pharmacy shall preside at all of its meetings. In his absence or disability the Vice-President shall preside.

(2) The Board shall hold meetings for the examination of applicants for registration, to grant certificates of registration and permits, and for the transaction of such other business as may lawfully come before it, on the second Tuesday of January and July of each year in such cities as the Board may select, and shall continue in session from day to day until its business is disposed of. Additional meetings may be called if deemed necessary by a majority of the members of the Board. Three members shall constitute a quorum. Due public notice of semi-annual meetings shall be given at least thirty days in advance of the meetings.

Sec. 17. *Compensation and expenses of Board members.* Each member of the Kentucky Board of Pharmacy shall receive fifteen dollars for each day actually engaged in the service of the Board. Each member shall receive mileage from his residence to the meeting place and return, but shall not be reimbursed for any other expenses.

Sec. 18. *Rules and Regulations; reports.* The Kentucky Board of Pharmacy shall make such rules and regulations, consistent with law, as are necessary to carry out the purposes and enforce the provisions of this chapter. The Board shall make an annual written report to the Kentucky Pharmaceutical Association of its proceedings and of its receipts and disbursements, including a list of the names of all persons registered and a record of permits and renewals.

Sec. 19. *Power of Inspection.* The Kentucky Board of Pharmacy and its duly appointed agents may inspect in a lawful manner the drugs and medical supplies that are manufactured, packed, packaged, sold, offered for sale, exposed for sale or kept for sale in this state, and for this purpose may enter and inspect during business hours any place in this state where drugs or medical supplies are manufactured, packed, packaged, made, sold, offered for sale, exposed for sale, dispensed or kept for sale.

Sec. 20. *Secretary-Treasurer of the Board; books and records.* The Secretary-Treasurer of the Kentucky Board of of Pharmacy shall be the executive officer in charge of the office of the Board. He shall make, keep and be in charge of all records and record books required to be kept by the Board, including a record of all registrations, and shall attend to the correspondence of the Board and perform such other duties as the Board may require, in keeping with the office of Secretary-Treasurer. He shall receive and receipt for all fees collected and shall pay them over to the State Treasurer.

(2) The Secretary-Treasurer shall give bond, in an amount fixed by the Board, for the faithful performance of the duties of his office. He shall receive such salary as the Board may determine. He shall be permitted such office help as is deemed necessary by the Board. He shall also receive his traveling expenses and all necessary expenses incurred in the performance of his official duties.

(3) The books, registers and records of the Board as made and kept by the Secretary-Treasurer or under his supervision, subject to the direction of the Board, shall be prima facie evidence of the matter therein contained in any court of law.

Sec. 21. *Qualifications for registration as pharmacist; examination.* (1) Except as provided in sections 23 to 26 of this chapter, every applicant for registration as a pharmacist shall be not less than twenty-one years of age, of good moral character and temperate habits, a graduate of a school or college of pharmacy or department of a university recognized and approved by the National Association of Boards of Pharmacy, and shall file proof satisfactory to the Kentucky Board of Pharmacy, substantiated by proper affidavits, of a minimum of one year of experience in a retail pharmacy, under the supervision of a registered pharmacist, which experience shall be predominantly related to the selling of drugs

and medical supplies, compounding prescriptions, preparing pharmaceutical preparations and keeping records and making reports required by the State and Federal statutes.

(2) Except as provided in sections 23 to 26 of this chapter, every applicant for registration as a pharmacist shall pass an examination by the Kentucky Board of Pharmacy.

Sec. 22. *Pharmacists registered under former laws.* Persons who hold unexpired certificates of registration as pharmacists in this state, granted under former laws, need not register under this chapter, but shall secure annual renewals as provided in this chapter, and in all other respects shall be amenable to the provisions of this chapter.

Sec. 23. *Pharmacists registered in other states; reciprocity.* The Kentucky Board of Pharmacy may register as a pharmacist, without examination, upon payment of the fee prescribed by section 28, sub-section (2) of this chapter, any citizen of the United States who is duly registered by examination in any other state that, under like conditions, grants registration as a pharmacist, without examination, to pharmacists registered by examination in this State. Before being registered the person must produce evidence satisfactory to the Board that he is possessed of good character and morals, and has had the secondary and professional education and training required of applicants for registration under this chapter, except that persons of good character and morals who were registered as pharmacists by examination in other states prior to the time this chapter became in force shall be required to satisfy only the requirements that existed in this State at the time they were registered.

Sec. 24. *Students of pharmacy required to register; fee.* Any person enrolling as a student of pharmacy in any school

or college of pharmacy in this State shall, not later than thirty days after so enrolling, file with the Secretary-Treasurer of the Kentucky Board of Pharmacy an application for registration as a student of pharmacy, accompanied by a fee of two dollars. The application shall contain such information as the Board deems appropriate. All such students of pharmacy shall, at the beginning of any subsequent school or college year, submit to the Board a sworn statement of all actual pharmacy experience acquired during the preceding vacation months.

Sec. 25. *Assistant pharmacists.* Persons who hold unexpired certificates of registration as assistant pharmacists, granted under former laws, shall continue to hold their status as registered assistant pharmacists, but shall be required to renew their certificates annually in the same manner as certificates of registered pharmacists are renewed. Persons who hold such certificates may be licensed to practice pharmacy as registered pharmacists upon passing an examination prescribed by the Kentucky Board of Pharmacy. Registered assistant pharmacists may have charge of a pharmacy during the temporary absence of the registered pharmacist, but such absence shall not be for a period longer than thirty days in any calendar year. Whenever such absence is for a period of twenty-four consecutive hours or longer the proprietor, owner, manager or person in charge of the pharmacy shall immediately notify the Secretary-Treasurer of the Kentucky Board of Pharmacy the number of days his store will be in charge of a registered assistant pharmacist and shall give the name of the assistant. This provision shall not be employed as a subterfuge or trick to defeat the requirement that all pharmacies be in charge of a registered pharmacist.

Sec. 26. *Conditions of issuance of permit for pharmacy; equipment required of pharmacies.* (1) No permit shall be issued for the conduct of a pharmacy except upon

evidence satisfactory to the Kentucky Board of Pharmacy that:

(a) The pharmacy for which the permit is sought will be conducted in full compliance with the law and the rules and regulations of the Kentucky Board of Pharmacy;

(b) The location and appointments of the pharmacy are such that it can be operated and maintained without endangering the public health or safety;

(c) The pharmacy will be constantly under the personal and immediate supervision of a registered pharmacist; and

(d) The person applying for the permit is qualified to conduct the pharmacy.

(2) Every pharmacy must be equipped with proper pharmaceutical utensils so that prescriptions can be properly filled and United States Pharmacopoeia and National Formulary preparations properly compounded. The Kentucky Board of Pharmacy shall prescribe the minimum of such professional and technical equipment which a pharmacy shall at all times possess, and such list shall include the latest revisions of the United States Pharmacopoeia and the National Formulary, and all supplements to either of them. The premises of every pharmacy shall be equipped with proper sanitary appliances and kept in a clean and orderly manner. No permit shall be issued or continued for the conduct of a pharmacy unless the provisions of this subsection are complied with.

Sec. 27. *Application for registration and for permits; forms; time.* (1) Applications for registration as a pharmacist or for a permit required by sections 3 to 10 of this chapter shall be made on forms prescribed and furnished by the Kentucky Board of Pharmacy.

(2) Applications for registration as a pharmacist shall

be filed with the Board at least ten days before any stated meeting of the Board at which examinations are to be held.

(3) Applications for a permit to open a new pharmacy shall be made at least thirty days before the pharmacy is to be opened for business.

Sec. 28. *Fees; original and renewal.* (1) Every application for registration as a pharmacist must be accompanied by an examination fee of not less than ten dollars nor more than twenty-five dollars, as the Board shall from time to time prescribe. Every registered pharmacist shall, between January 1 and March 1 of each year, pay a renewal fee of not more than six dollars, as the Board shall from time to time prescribe.

(2) Every application by a pharmacist registered in another state for registration as a pharmacist in this State shall be accompanied by a fee prescribed by the Board.

(3) Every registered assistant pharmacist shall, between January 1 and March 1 of each year, pay a renewal fee of not more than four dollars as the Board shall from time to time prescribe.

(4) Every application for a permit required by sections 3 to 10 of this chapter and every application for a renewal thereof, shall be accompanied by the following fee:

(a) For the permit required by Section 3, not less than one dollar nor more than five dollars, as the Board may determine.

(b) For the permit required by Section 4, three dollars.

(c) For the permit required by Section 5, three dollars.

(d) For the permit required by Section 6, one dollar.

(e) For the permit required by Section 7, five dollars.

(f) For the permit required by Section 8, twenty-five dollars.

(g) For the permit required by Section 9, one dollar.

Sec. 29. *Disposition of Fees.* The Kentucky Board of Pharmacy shall each year, turn over to the Kentucky Pharmaceutical Association, for the advancement of the art and science of pharmacy, out of the annual renewal fees collected by the Board, the sum of two dollars for each registered pharmacist and assistant registered pharmacist who has paid his renewal fee during that year. All other fees shall be paid into the State Treasury and placed in a revolving fund to be spent by the Board of Pharmacy for the enforcement of this chapter.

Sec. 30. *Expiration and renewal of registrations and permits.* (1) All certificates of registration and all permits shall expire on December 31 following the date of issue, and shall be renewed annually. Application blanks for renewals of pharmacists registrations shall be mailed by the Board to each registered pharmacist in December each year.

(2) If the renewal fee for any pharmacist's certificate, the holder of which is actively engaged in the practice of pharmacy, is unpaid by March 1 of any year, the certificate shall be void, but the holder thereof may be reinstated as a registered pharmacist upon payment of a penalty of one dollar and all lapsed fees, unless he has failed to secure his annual renewal registration for a period of five consecutive years, in which case he shall not be entitled to renew his registration except upon passing a satisfactory examination before the Kentucky Board of Pharmacy.

(3) Application blanks for renewal of permits shall be mailed by the Kentucky Board of Pharmacy to each permittee on or before November 1 of each year. If application

for renewal is not made on or before the following December 1, the existing permit shall lapse and become void on the date of its expiration and no new permit shall be granted except upon evidence satisfactory to the Board of good and sufficient grounds of failure to file the application for renewal within the time prescribed. Any registered pharmacist or assistant registered pharmacist who leaves his occupation for full time active service in any recognized branch of this Nation's Armed Military Forces during the time of War, shall upon presentation of suitable evidence to the Secretary of the Kentucky Board of Pharmacy, be exempted from payment of the renewal fees required by section 28 of this chapter.

Sec. 31. *Separate permits for each place of business; permits to be displayed; nontransferable.* Separate applications shall be made and separate permits issued for each separate place at which is carried on any of the operations for which a permit is required by sections 3 to 7 and 9 of this chapter. Each permit issued under this chapter shall be conspicuously exposed in the place for which it was granted. Permits shall not be transferable.

Sec. 32. *Refusal, revocation or suspension of registrations and permits.* (1) The Kentucky Board of Pharmacy may, after notice and hearing as prescribed in section 33 of this chapter, refuse, revoke or suspend the certificate of registration of any pharmacist when the Board finds that the certificate was obtained by fraudulent means, or when the registrant has been convicted of a felony, or of a violation of any statute enacted for the protection of public health, or is found by the Board to be guilty of gross immorality or to be addicated to the liquor or drug habit to such a degree as in the opinion of the Board renders him unfit to compound, sell or dispense drugs and medical supplies.

(2) The Board may, after notice and hearing as pre-

scribed in section 33 of this chapter refuse, revoke or suspend any permit when the Board finds that the permit was obtained by fraudulent means, or that the operations for which the permit was issued or is applied for are not being conducted or will not be conducted according to law or are being so conducted as to endanger the public health or safety.

Sec. 33. *Hearings.* (1) The Kentucky Board of Pharmacy may, on its own motion or on a verified complaint, issue a notice to any registrant or permittee to show cause why his certificate or permit should not be suspended or revoked, or a notice to any applicant to show cause why his application for registration or for a permit should not be denied. The notice shall contain a copy of the charge and shall state the time and place at which the hearing is to be conducted. The date of the hearing shall not be less than ten days from the date the notice is received by the applicant, registrant or permittee.

(2) Members of the Board and its Secretary-Treasurer may administer oaths and take evidence in any hearing conducted by the Board. The Board shall, at all hearings, receive the testimony of all witnesses and accept all documentary evidence relevant to the issue.

Sec. 34. *Appeals.* Any person having an interest in the matter may, within thirty days of the effective date of the order, appeal from any order of the Board denying, revoking or suspending a certificate or permit, by filing a certified copy of the order in the Franklin County Circuit Court together with a bond approved by the Clerk to insure the payment of costs. The appeal shall be docketed and tried in the manner provided by law for equity cases. From the judgment of the Franklin County Circuit Court any party having an interest therein may appeal in the manner provided by law to the Court of Appeals.

Sec. 35. *Relief by injunction.* The Kentucky Board of Pharmacy may, in addition to the criminal penalties prescribed for violating this chapter apply to a court having jurisdiction for an injunction to restrain repetitious violations of the provisions of this chapter.

Sec. 36. *Penalties.* Any person who violates any of the provisions of this chapter shall be fined not less than ten dollars for each violation, and each day the violation continues shall constitute a separate and distinct offense. Upon conviction of a permittee, his permit shall forthwith be revoked by the Kentucky Board of Pharmacy and become void, without notice or hearing.

Sec. 37. *Repeals.* Sections 1376t and 1376t-1 of Carroll's Kentucky Statutes, 1936 edition and sections 2619, 2619a-1, 2620, 2621, 2622, 2623, 2625, 2626, 2627, 2628, 2631, 2632 and 2634 of Baldwin's Kentucky Statutes Service, May 1938 edition, are repealed.

Sec. 38. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 315.010 to 315.990, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

Sec. 39. *Time of taking effect.* This Act shall not become effective until January 1, 1943.

By Mr. Salyer.

H. B. 96. AN ACT relating to public health with particular reference to foods, drugs, devices and cosmetics.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the Kentucky Food, Drug and Cosmetic Act.

Section 2. For the purpose of this Act—

(a) The term "Board" means the State Board of Health of Kentucky.

(b) The term "person" includes individual, partnership, corporation, and association.

(c) The term "food" means (1) articles used for food or drink for man; (2) chewing gum, and (3) articles used for components of any such article.

(d) The term "drug" means (1) articles recognized in the United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; and (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; and (3) articles (other than food) intended to affect the structure or any function of the body of man or other animals; and (4) articles intended for use as a component of any article specified in clause (1), (2), or (3); but does not include devices or their components, parts, or accessories, but shall include insecticides, fungicides and rodenticides.

(e) The term "device", except when used in paragraph (k) of this section and in sections 3 (j), 11 (f), 15 (c) and 18 (c), means instruments, apparatus and contrivances, including their components, parts and accessories, intended (1) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals; or (2) to affect the structure or any function of the body of man or other

animals. Provided that appliances intended or having a special utility for the prevention of venereal diseases, the licensing and sale of which are provided for in Sections 2635 c-1 to 2635 c-13 (Carroll's Ky. Statutes) inclusive, and devices used solely by a person holding a valid certificate to practice any branch of the healing art, are excepted from this definition.

(f) The term "cosmetic" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles, except that such term shall not include soap.

(g) The term "official compendium" means the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, official National Formulary, or any supplement to any of them.

(h) The term "label" means a display of written, printed or graphic matter upon the immediate container of any article; and a requirement made by or under authority of this Act that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any there be, of the retail packages of such article, or is easily legible through the outside container or wrapper.

(i) The term "immediate container" does not include package liners.

(j) The term "labeling" means all labels and other written, printed or graphic matter (1) upon an article or any of its containers or wrappers, or (2) accompanying such article.

(k) If an article is alleged to be misbranded because the labeling is misleading, or if an advertisement is alleged to be false because it is misleading, then in determining whether the labeling or advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or in any combination thereof, but also the extent to which the labeling or advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the article to which the labeling or advertisement relates under the conditions of use prescribed in the labeling or advertisement thereof or under such conditions of use as are customary or usual.

(l) The term "advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of foods, drugs, devices or cosmetics.

(m) The representation of a drug, in its labeling or advertisement, as an antiseptic shall be considered to be a representation that it is a germicide, except in the case of a drug purporting to be, or represented as, an antiseptic for inhibitory use as a wet dressing, ointment, dusting powder, or such other use as involves prolonged contact with the body.

(n) The term "new drug" means (1) any drug the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof; or (2) any drug the composition of which is such that such drug, as a result of investigations to determine its safety for use under such conditions, has become so recognized, but which has not, otherwise than in such in-

vestigations, been used to a material extent or for a material time under such conditions.

(o) The term "contaminated with filth" applies to any food, drug, device or cosmetic not securely protected from dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contamination.

(p) The provisions of this Act regarding the selling of foods, drugs, devices, or cosmetics, shall be considered to include the manufacture, production, processing, packing, exposure, offer, possession, and holding of any such article for sale, and the sale, dispensing, and giving of any such article, and the supplying or applying of any such articles in the conduct of any food, drug or cosmetic establishment.

(q) The term "Federal Act" means the Federal Food, Drug and Cosmetic Act (Title 21 U.S.C. 301 et seq.; 52 Stat. 1040 et seq.)

Section 3. The following acts and the causing thereof within the State of Kentucky are hereby prohibited:

(a) The manufacture, sale, delivery or dispensing, holding or offering for sale of any food, drug, device, or cosmetic that is adulterated or misbranded.

(b) The adulteration or misbranding of any food, drug, device or cosmetic.

(c) The receipt in commerce of any food, drug, device, or cosmetic that is adulterated or misbranded, and the delivery or proffered delivery thereof for pay or otherwise.

(d) The sale, delivery for sale, holding for sale, dispensing or offering for sale of any article in violation of sections 12, 15 (k), 16 or 23, provided the retailer having possession of the goods embargoed under section 23 notifies the manufacturer responsible for registration of the product and files with the Board a copy of such notification, the retailer shall not be held liable under this section.

(e) The dissemination of any false advertisement.

(f) The refusal to permit entry or inspection, or to permit the taking of a sample, as authorized by sections 12, 21 and 24.

(g) The giving of a guaranty or undertaking which guaranty or undertaking is false, except by a person who relied on a guaranty or undertaking to the same effect, signed by, and containing the name and address of the person residing in the United States from whom he received in good faith the food, drug, device or cosmetic.

(h) The removal or disposal of a detained or embargoed article in violation of Sections 6 and 23.

(i) The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, drug, device, or cosmetic, if such act is done while such article is held for sale and results in such article being misbranded.

(j) Forging, counterfeiting, simulating, or falsely representing or without proper authority using any mark, stamp, tag, label, or other identification device authorized or required by regulations promulgated under the provisions of this Act.

(k) The using, on the labeling of any drug or in any advertisement relating to such drug, of any representation or suggestion that an application with respect to such drug is effective under Section 16, or that such drug complies with the provisions of such section.

(l) The using by any person to his own advantage or revealing other than to the Board, or officers, or employees of the Board, or to representatives of the Federal Government, or to the court when relevant in any judicial proceeding under this Act any information acquired under authority of this Act concerning any method or process which as a trade secret is entitled to protection.

(m) The dissemination or distribution of advertising in the form of samples of drugs except to the medical, dental, veterinary or pharmaceutical professions, and the resale of such samples of drugs.

Section 4. In addition to the remedies hereinafter provided the Board is hereby authorized to apply to any circuit court for, and such court shall have jurisdiction upon hearing and for cause shown, to grant a temporary or permanent injunction restraining any person from violating any provision of Section 3.

Section 5. (a) Any person who violates any of the provisions of Section 3 shall be guilty of a misdemeanor and shall on conviction thereof be subject to imprisonment for not more than thirty (30) days, or a fine of not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00), or both such imprisonment and fines; but if the violation is committed after a conviction of such person under this Section has become final such person shall be subject to imprisonment for not more than ninety (90) days, or a fine of not less than Fifty Dollars ($50.00) nor more than Two Hundred Dollars ($200.00), or both such imprisonment and fine.

(b) No person shall be subject to the penalties of Sec. 5(a), (1) for having received any article and delivered it or proffered delivery of it, if such delivery or proffer was made in good faith, unless he refuses to furnish on request of a representative duly designated by the Board, the name and address of the person from whom he purchased or received such articles and copies of all documents, if any there be, pertaining to the delivery of this article to him, or (2) for having violated Sec. 3(a) or (c) if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom he received in good faith the article, to the effect that such

article complies with all the applicable provisions of the Federal Food, Drug and Cosmetic Act or of this Act. In case of the establishment of such guaranty, the person so described therein shall be amenable to the prosecution and penalties which would otherwise attach to such persons receiving the guaranty. When the guaranty has been signed by a person residing outside of this State, the Board shall report such fact to the Federal Commissioner of Food and Drugs.

(c) No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section by reason of the dissemination by him of such false advertisement unless he has refused, on the request of the Board, to furnish the Board the name and post office address of the manufacturer, packer, distributor, seller or advertising agency, who caused him to disseminate such advertisement.

Section 6. (a) Whenever a duly authorized agent of the Board finds or has probable cause to believe, that any food, drug, device, or cosmetic is adulterated, or so misbranded as to be dangerous or fraudulent, within the meaning of this Act, he shall affix to such article a tag or other appropriate marking, giving notice that such article is, or is suspected of being, adulterated or misbranded and has been detained or embargoed, and warning all persons not to remove or dispose of such article by sale or otherwise until permission for removal or disposal is given by such agent or the court. It shall be unlawful for any person to remove or dispose of such detained or embargoed article by sale or otherwise without such permission.

(b) When an article detained or embargoed under subsection (a) has been found by such agent to be adulterated, or misbranded, he shall petition the judge of the police, county,

or circuit court in whose jurisdiction the article is detained or embargoed for a libel for condemnation of such article. When such agent has found that an article so detained or embargoed is not adulterated or misbranded, he shall remove the tag or other marking.

(c) If the court finds that a detained or embargoed article is adulterated or misbranded, such article shall, after entry of the decree be destroyed at the expense of the claimant thereof, under the supervision of such agent; and all court costs and fees, and storage and other proper expenses, shall be taxed against the claimant of such article or his agent; Provided, That when the adulteration or misbranding can be corrected by proper labeling or processing of the article, the court, after entry of the decree and after such costs, fees, and expenses have been paid and a good and sufficient bond, conditioned that such article shall be so labeled or processed, has been executed, may by order direct that such article be delivered to the claimant thereof for such labeling of processing under the supervision of an agent of the Board. Such bond shall be returned to the claimant of the article on representation to the court by the Board or its agent that the article is no longer in violation of this Act, and that the expenses of such supervision have been paid.

(d) Whenever the Board or its authorized agent shall find in any room, building, vehicle of transportation or other structure, any meat, seafood, poultry, vegetable, fruit or other perishable articles which are unsound, or contain any filthy, decomposed or putrid substance, or that may be poisonous or deleterious to health or otherwise unsafe, the same being hereby declared to be a nuisance, the Board, or its authorized agent, shall forthwith condemn or destroy the same, or in any other manner render the same unsalable as human food.

Section 7. It shall be the duty of each Commonwealth attorney, county attorney, or city attorney to whom the Board

or the health officer of any county, town or city, reports any violation of this Act, to cause appropriate proceedings to be instituted in the proper courts without delay and to be prosecuted in the manner required by law. Provided, That no action for violation of this Act is to be reported to such attorney for the institution of criminal proceedings against a registered pharmacist until the matter shall be reported to the State Board of Pharmacy for recommendation. Before any violation of this Act is reported to any such attorney for the institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given appropriate notice and an opportunity to present his views before the Board or its designated agent, either orally or in writing, in person or by attorney, with regard to such contemplated proceeding.

Section 8. Nothing in this Act shall be construed as requiring the Board to report for the institution of proceedings under this Act, minor violations of this Act, whenever the Board believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning.

Section 9. Whenever in the judgment of the Board such action will promote honesty and fair dealing in the interest of consumers, the Board shall promulgate regulations fixing and establishing for any food or class of food a reasonable definition and standard of identity, and/or reasonable standards of quality and/or fill of container. In prescribing a definition and standard of identity for any food or class of food in which optional ingredients are permitted, the Board shall, for the purpose of promoting honesty and fair dealing in the interest of consumers, designate the optional ingredients which shall be named on the label. The definitions and standards so promulgated shall conform to the definitions and standards promulgated under authority conferred by Section

401 of the Federal Act and the Federal Meat Inspection Act when such standards have been adopted under the Federal Act.

Section 10. A food shall be deemed to be adulterated—

(a) (1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance in such food does not ordinarily render it injurious to health; or (2) if it bears or contains any added poisonous or added deleterious substance which is unsafe within the meaning of Section 13; or (3) if it consists in whole or in part of a diseased, contaminated, filthy, putrid or decomposed substance, or if it is otherwise unfit for food; or (4) if it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered diseased, unwholesome or injurious to health; or (5) if it is the product of a diseased animal or an animal which has died otherwise than by slaughter, or that has been fed upon the uncooked offal from a slaughterhouse or upon uncooked garbage; or (6) if its container is composed, in while or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(b) (1) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or (2) if any substance has been substituted wholly or in part therefor; or (3) if damage or inferiority has been concealed in any manner; or (4) if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength or make it appear better or of greater value than it is.

(c) If it is confectionery and it bears or contains any

alcohol or non-nutritive article or substance except harmless coloring, harmless flavoring, harmless resinous glaze not in excess of four-tenths of 1 per centum, harmless natural wax not in excess of four-tenths of 1 per centum, harmless natural gum, and pectin; Provided, That this paragraph shall not apply to any confectionery by reason of its containing less than one-half of 1 per centum by volume of alcohol derived solely from the use of flavoring extracts, or to any chewing gum by reason of its containing harmless non-nutritive masticatory substances.

(d) If it bears or contains a coal-tar color other than one from a batch which has been certified under the Federal Act.

Section 11. A food shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If it is offered for sale under the name of another food.

(c) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word, "imitation", and, immediately thereafter, the name of the food imitated.

(d) If its container is so made, formed, or filled as to be misleading.

(e) If in package form, unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: Provided, That under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the Board.

(f) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(g) If it purports to be or is represented as a food for which a definition and standard of identity has been prescribed by regulations as provided by Section 9, unless (1) it conforms to such definition and standard, and (2) its label bears the name of the food specified in the definition and standard, and, in so far as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(h) If it purports to be or is represented as—

(1) A food for which a standard of quality has been prescribed by regulations as provided by Section 9 and its quality falls below such standard unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standards; or

(2) A food for which a standard or standards of fill of container have been prescribed by regulation as provided by Section 9, and it falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard.

(i) If it is not subject to the provisions of paragraph (g) of this Section, unless it bears labeling clearly giving (1) the common or usual name of the food, if any there be, and (2) in case it is fabricated from two or more ingredients, the common or usual name of each such ingredient; except that spices, flavoring, and colorings, other than those sold as

such, may be designated as spices, flavorings, and colorings, without naming each: Provided, That, to the extent that compliance with the requirements of clause (2) of this paragraph is impractical or results in deception or unfair competition, exemptions shall be established by regulations promulgated by the Board and provided, that exemptions from the requirements of clause (2) of this paragraph shall be permitted on such foods designated under the Federal Act, Section 902, pending the formulation, promulgation and effective application of definitions and standards of identity as provided by Section 401 of the Federal Act.

(j) If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral, and other dietary properties as the Board determines to be, and by regulations prescribes, as, necessary in order to fully inform purchasers as to its value for such use.

(k) If it bears or contains any artificial flavoring, artificial coloring or chemical preservative, unless it bears labeling stating that fact; Provided, That to the extent that compliance with the requirements of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Board. The provisions of this paragraph and paragraph (g) (1) with respect to artificial coloring shall not apply in cases of butter, cheese and ice cream.

Section 12. (a) Whenever the Board finds after investigation that the distribution in Kentucky of any class of food may, by reason of contamination with microorganisms during manufacture, processing, or packing thereof in any locality, be injurious to health, and that such injurious nature cannot be adequately determined after such articles have entered commerce, it then, and in such case only, shall promulgate regulations providing for the issuance, to manufacturers, processors, or packers of such class of food in such

locality, of permits to which shall be attached such conditions governing the manufacture, processing, or packing of such class of food, for such temporary period of time, as may be necessary to protect the public health; and after the effective date of such regulations, and during such temporary period, no person shall introduce or deliver for introduction into commerce any such food manufactured, processed, or packed by any such manufacturer, processor, or packer unless such manufacturer, processor, or packer holds a permit issued by the Board as provided by such regulations.

(b) The Board is authorized to suspend immediately upon notice any permit issued under authority of this section if it is found that any of the conditions of the permit have been violated. The holder of a permit so suspended shall be privileged at any time to apply for the reinstatement of such permit, and the Board shall, immediately after prompt hearing and an inspection of the establishment, reinstate such permit if it is found that adequate measures have been taken to comply with and maintain the conditions of the permit, as originally issued, or as amended.

(c) Any officer or employee duly designated by the Board shall have access to any factory or establishment, the operator of which holds a permit from the Board for the purpose of ascertaining whether or not the conditions of the permit are being complied with, and denial of access for such inspection shall be ground for suspension of the permit until such access is freely given by the operator.

Section 13. Any poisonous or deleterious substance added to any food except where such substance is required in the production thereof or cannot be avoided by good manufacturing practice, shall be deemed to be unsafe for purposes of the application of clause (2) of Section 10 (a); but when such substance is so required or cannot be so avoided, the Board shall promulgate regulations limiting the quantity

therein or thereon to such extent as the Board finds necessary for the protection of public health, and any quantity exceeding the limits so fixed shall also be deemed to be unsafe for purposes of the application of clause (2) of Section 10 (a). While such a regulation is an effect limiting the quantity of any such substance in the case of any food, such food shall not, by reason of bearing or containing any added amount of such substance, be considered to be adulterated within the meaning of clause (1) of Section 10 (a). In determining the quantity of such added substance to be tolerated in or on different articles of food, the Board shall take into account the extent to which the use of such substance is required or cannot be avoided in the production of each such article, and the other ways in which the consumer may be affected by the same or other poisonous or deleterious substances.

Section 14. A drug or device shall be deemed to be adulterated—

(a) (1) If it consists in whole or in part of any filthy, putrid or decomposed substance; or (2) if it has been produced, prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth, or whereby it may have been rendered injurious to health, or (3) if it is a drug and its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; or (4) if it is a drug and it bears or contains, for purposes of coloring only, a coal-tar color other than one from a batch that has been certified in accordance with the regulations as provided by the Federal Act.

(b) If it purports to be or is represented as a drug the name of which is recognized in an official compendium, and its strength differs from, or its quality or purity falls below, the standard set forth in such compendium. Such determination as to strength, quality, or purity shall be made in accordance

with the tests or methods of assay set forth in such compendium, or prescribed in regulations promulgated under Sec. 501 (b) of the Federal Act. No drug defined in an official compendium shall be deemed to be adulterated under this paragraph because it differs from the standard of strength, quality, or purity therefor set forth in such compendium, if its difference in strength, quality or purity from such standard is plainly stated on its label. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States it shall be subject to the requirements of the United States Pharmacopoeia unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the United States Pharmacopoeia. Whenever a drug is recognized in both the National Formulary and the Homoeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the National Formulary unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the National Formulary.

(c) If it is not subject to the provisions of paragraph (b) of this Section and its strength differs from, or its purity or quality falls below, that which it purports or is represented to possess.

(d) If it is a drug and any substance has been (1) mixed or packed therewith so as to reduce its quality or strength; or (2) substituted wholly or in part therefor.

Section 15. A drug or device shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count: Provided, That under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established, by regulations prescribed by the Board.

(c) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, beta-eucaine, bromal, cannabis, corbromal, chloral, coca, cocaine, codeine, heroin, marihuana, morphine, opium, paraldehyde, peyote, or sulphonmethane; or any chemical derivative of such substance, which derivative has been by the Board, after investigation, found to be and by regulations under this Act, designated as, habit forming; unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

(e) If it is a drug and is not designated solely by a name recognized in an official compendium unless its label bears (1) the common or usual name of the drug, if such there be: and (2), in case it is fabricated from two or more ingredients, the common or usual name of each active ingredient, including the kind and quantity or proportion of any alcohol, and also including, whether active or not, the name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetophenetidin, aminopyrine, anti-

pyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of any such substances, contained therein: Provided, That to the extent that compliance with the requirements of clause (2) of this paragraph is impracticable, exemptions shall be established by regulations promulgated by the Board.

(f) Unless its labeling bears (1) adequate directions for use; and (2) such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, or against unsafe dosage or methods or duration of administration or application, in such manner and form, as are necessary for the protection of users: Provided, That where any requirement of clause (1) of this paragraph, as applied to any drug or device, is not necessary for the protection of the public health, the Board shall promulgate regulations exempting such drug or device from such requirements.

(g) If it purports to be a drug, the name of which is recognized in an official compendium, unless it is packaged and labeled as prescribed therein: Provided, That the method of packing may be modified with the consent of the Board, in accordance with regulations promulgated under Sec. 502 (g) of the Federal Act. Whenever a drug is recognized in both the United States Pharmacopoeia and the Homoeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the United States Pharmacopoeia with respect to packaging and labeling unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States, and not to those of the United States Pharmacopoeia. Whenever a drug is recognized in both the National Formularly and the Homoeopathic Pharmacopoeia of the United States, it shall be subject to the requirements of the National Formularly with respect to

packaging and labeling unless it is labeled and offered for sale as a homoeopathic drug, in which case it shall be subject to the provisions of the Homoeopathic Pharmacopoeia of the United States and not to those of the National Formulary.

(h) If it has been found by the Board to be a drug liable to deterioration, unless it is packaged in such form and manner, and its label bears a statement of such precautions, as the Board shall by regulations require as necessary for the protection of public health. No such regulation shall be established for any drug recognized in an official compendium until the Board shall have informed the appropriate body charged with the revision of such compendium of the need for such packaging or labeling requirements and such body shall have failed within a reasonable time to prescribe such requirements.

(i) (1) If it is a drug and its container is so made, formed or filled as to be misleading; or (2) if it is an imitation of another drug; or (3) if it is offered for sale under the name of another drug.

(j) If it is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling thereof.

(k) If it is a drug sold at retail, and contains any quality of aminopyrine, barbital, the salts of barbituric acid, cinchophen, dinitrophenol, sulfaypyridine, sulfanilamide, or their derivatives or any other drug which is determined under the Federal Act to be dangerous to health when used in the dosage or with the frequency or duration prescribed, or suggested in the labeling thereof, unless it is sold or dispensed by a registered pharmacist on a written prescription signed by a member of the medical, dental or veterinary profession who is licensed by law to administer such drug, and its label bears the name and place of business of the seller, the serial number and date of such prescription, and the name

of such member of the medical, dental or veterinary profession. Such prescription is not refillable except in the case of liquid preparations in which the vehicle contains barbital or salts of barbituric acid in not more than two grains to the fluid ounce. Provided, That for the purpose of enforcement of this subsection, the registered pharmacist filling prescriptions containing any of the drugs listed above or designated by regulation must file the prescription in the usual way and keep it for a period of not less than two (2) years. Invoices for purchases of such drugs must be kept for a period of not less than two (2) years. Provided further, no physician, dentist or veterinarian shall dispense any such drug as defined in this section without affixing to the container in which the drug is sold or dispensed a label bearing the name and address of the dispenser, the date dispensed, the name and address of the patient, and the directions for use of the drug by the patient. A record must be made by the physician, dentist or veterinarian, giving name, to whom dispensed, quantity dispensed, and drug dispensed. This record shall be kept open for inspection not less than two (2) years. All invoices for purchase of the drugs listed in this subsection must be kept by the physician, dentist, or veterinarian for a period of not less than two (2) years.

(l) A drug sold on a written prescription signed by a member of the medical, dental or veterinary profession (except a drug sold in the course of the conduct of a business of selling drugs pursuant to diagnosis by mail) shall be exempt from the requirements of this section if—

(1) such member of the medical, dental or veterinary profession is licensed by law to administer such drug, and

(2) such drug bears a label containing the name and place of business of the seller, the serial number and date of such prescription, and the name of such member of the medical, dental or veterinary profession.

Section 16. (a) No person shall sell, deliver, offer for sale, hold for sale or give away new drug unless (1) an application with respect thereto has become effective under Section 505 of the Federal Act, or (2) when not subject to the Federal Act unless such drug has been tested and has been found to be safe for use under the conditions prescribed, recommended or suggested in the labeling thereof, and prior to selling or offering for sale such drug, there has been filed with the Board an application setting forth (a) full reports of investigations which have been been made to show whether or not such drug is safe for use; (b) a full list of the articles used as components of such drugs; (c) a full statement of the composition of such drug; (d) a full description of the methods used in, and the facilities and controls used for the manufacture, processing and packing of such drug; (e) such samples of such drug and of the articles used as components thereof as the Board may require, and (f) specimens of the labeling proposed to be used for such drug

(b) An application provided for in subsection (a) (2) shall become effective on the 120th day after the filing thereof, except that if the Board finds after due notice to the applicant and giving him an opportunity for a hearing, that the drug is not safe for use under the conditions prescribed, recommended or suggested in the proposed labeling thereof, the Board shall, prior to the effective date of the application, issue an order refusing to permit the application to become effective.

(c) This section shall not apply—

(1) to a drug intended solely for investigational use by experts qualified by scientific training and experience to investigate the safety of drugs, provided the drug is plainly labeled "For investigational use only";.or

(2) to a drug sold in this State at any time prior to the enactment of this Act or introduced into interstate commerce at any time prior to the enactment of the Federal Act; or

(3) To any drug which is licensed under the Virus,

Serum, and Toxin Act of July 1, 1902 (U. S. C. 1934 ed. title 42, Chap. 4).

(d) An order refusing to permit an application under this section to become effective may be revoked by the Board.

Section 17. A cosmetic shall be deemed to be adulterated:—

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or advertisement thereof, or under such conditions of use as are customary or usual: Provided, That this provision shall not apply to coal-tar hair dye, the label of which bears the following legend conspicuously displayed thereon: "Caution—This product contains ingredients which may cause skin irritation on certain individuals and a preliminary test according to accompanying directions should first be made. This product must not be used for dyeing the eyelashes or eyebrows; to do so may cause blindness.", and the labeling of which bears adequate directions for such preliminary testing. For the purpose of this paragraph and paragraph (e) the term "hair dye" shall not include eyelash dyes or eyebrow dyes.

(b) If it consists in whole or in part of any filthy, putrid or decomposed substance.

(c) If it has been produced, prepared, packed or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

(d) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health.

(e) If it is not a hair dye and it bears or contains a coal-tar color other than one from a batch which has been certified under the Federal Act.

Section 18. A cosmetic shall be deemed to be misbranded—

(a) If its labeling is false or misleading in any particular.

(b) If in package form unless it bears a label containing (1) the name and place of business of the manufacturer, packer, or distributor; and (2) an accurate statement of the quantity of the contents in terms of weight, measure or numerical count: Provided, That under clause (2) of this paragraph reasonable variations shall be permitted, and exemptions as to small packages shall be established by regulations prescribed by the Board.

(c) If any word, statement, or other information required by or under authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(d) If its container is so made, formed, or filled as to be misleading.

Section 19. (a) An advertisement of a food, drug, device, or cosmetic shall be deemed to be false if it is false or misleading in any particular.

(b) For the purpose of this Act the advertisement of a drug or device representing it to have any effect in albuminuria, appendicitis, arteriosclerosis, blood poison, bone disease, Bright's disease, cancer, carbuncles, cholocystitis, diabetes, diphtheria, dropsy, erysipelas, gallstones, heart and vascular diseases, high blood pressure, mastoiditis, measles, meningitis, mumps, nephritis, otitis media, paralysis, pneumonia, poliomyelitis (infantile paralysis), prostate gland disorders, pyelitis, scarlet fever, sexual impotence, sinus infection, smallpox, tuberculosis, tumors, typhoid, uremia, venereal disease, shall also be deemed to be false; except that no advertisement not in violation of subsection (a) shall be

deemed to be false under this subsection if it is disseminated only to members of the medical, dental, pharmacy or veterinary professions, or appears only in the scientific periodicals of those professions, or is disseminated only for the purpose of public-health education by persons not commercially interested, directly or indirectly, in the sale of such drugs or devices: Provided, That whenever the Board determines that an advance in medical science has made any type of self-medication safe as to any of the diseases named above, the Board shall by regulation authorize the advertisement of drugs having curative or therapeutic effect for such disease, subject to such conditions and restrictions as the Board may deem necessary in the interests of public health: Provided, That this subsection shall not be construed as indicating that self-medication for diseases other than those named herein is safe or efficacious.

Section 20. (a) The authority to promulgate regulations for the efficient enforcement of this Act is hereby vested in the Board. The Board is hereby authorized to make the regulations promulgated under this Act conform, in so far as practicable and applicable with those promulgated under the Federal Act

(b) Hearings authorized or required by this Act shall be conducted by the Board or such officer, agent, or employee as the Board may designate for the purpose.

(c) Before promulgating any regulation contemplated by section 9, 11 (i), (j), (k); 15 (b), (f), (g) and (h), 18 (b), or 19 (b), the Board shall give appropriate notice of the proposal and of the time and place for a hearing. The regulation so promulgated shall become effective on a date fixed by the Board, (which date shall not be prior to ninety days after its promulgation. Such regulation may be amended or repealed in the same manner as is provided for its adoption; except that in the case of a regulation amending or repealing any such regulation the Board, to such an extent

as it deems necessary in order to prevent undue hardship, may disregard the foregoing provisions regarding notice, hearing, or effective date.

(d) A certified copy of the transcript of the record and proceedings under subesction (b) may be obtained if the costs of same are assumed by the interested party and request is made prior to the hearing.

Section 21. It shall be the duty of the Board to make or cause to be made, examination of samples of foods, drugs, cosmetics and devices manufactured or on sale or dispensed in Kentucky at such time and place and to such extent as it may determine. Provided, That the pharmacy inspectors of the State Board of Pharmacy shall have concurrent jurisdiction in the inspection of drugs, and that reports of all drug inspections shall be made in duplicate, one copy to be filed with the State Board of Pharmacy and one copy with the State Board of Health. It shall also make, or cause to be made, analysis of any sample of food, drug, device or cosmetic which it or any health official in the state may suspect of being adulterated or misbranded. And the Board shall appoint such agent or agents or inspectors as it may deem necessary who shall have free access at all reasonable hours to any factory, warehouse, or establishment in which foods, drugs, devices or cosmetics are manufactured, processed, packed or held for introduction into commerce, or to enter any vehicle being used to transport or hold such foods, drugs, devices, or cosmetics in commerce, for the purpose:

(1) of inspecting such factory, warehouse, establishment, or vehicles to determine if any of the provisions of this Act are being violated, and

(2) to secure samples or specimens of any food, drug, device or cosmetic after paying or offering to pay for such samples or specimens. It shall be the duty of the Board to make or cause to be made an examinations of samples or specimens secured under the provisions of this section to deter-

mine whether or not any provision of this Act is being violated: Provided, That when requested at the time of securing samples or specimens, the authorized agent of the Board shall prepare a duplicate official sample or specimen of the food, drug, device or cosmetic for the owner.

Section 22. (a) The Board may cause to be published from time to time reports summarizing all judgments, decrees, and court orders which have been rendered under this Act, including the nature of the charge and the disposition thereof.

(b) The Board may also cause to be disseminated such information regarding foods, drugs, devices and cosmetics as the Board deems necessary in the interest of public health and the protection of the consumer against fraud. Nothing in this section shall be construced to prohibit the Board from collecting, reporting, and illustrating the results of the investigations of the Board.

Section 23. (a) It shall be unlawful to sell any food, drug, device or cosmetic, unless the manufacturer, processor, or packer thereof, or his agent residing in the State of Kentucky holds an unexpired certificate of registration covering such article issued by the Board: Provided, That farm produce sold as such, food prepared in restaurants and other eating places exclusively for service therein, drugs compounded in retail pharmacies for sale therein or dispensed on written prescription of members of the medical, dental or veterinary profession, meat and meat products subject to the Meat Inspection Act approved March 7, 1907, as amended (U. S. C. 1934 Ed. title 21, secs. 71-91; 34 stat, 1260 et seq.) and products subject to the Virus, Serum and Toxin Act of July 1, 1902 (U.S.C. 1934 ed., title 42 chap. 4), and articles included in the official United States Pharmacopoeia and the official Homeopathic Pharmacopoeia and official National Formulary or any supplement to any of these when sold under the name of the article as is recognized

in the official compendium, and foods, manufactured, processed or packed in retail establishments for sale therein, shall be exempt from this provision: Provided further, That this provision shall not apply to articles for which an application for a certificate of registration has been made prior to thirty days after the effective date of this Act in accordance with the provisions of subsection (b), while such application is pending and unacted upon by the Board.

(b) The Board upon receipt of applications for certificate of registration accompanied by a fee of one dollar (1.00) for each product or articles covered by such application and by complete labeling and statement of composition or list of ingredients for each such product, or, in case of a device, complete labeling and a specimen or working drawing thereof shall issue such cerificates to the applicant. Provided: That the registration fees from any one manufacturer, packer or processor shall not exceed fifty ($50.00) dollars annually, regardless of the number of products or articles registered. All certificates shall expire on December 31st of each year. The issuance of such certificates shall not relieve the product or article covered thereby from compliance with the other provisions of this Act.

(c) The Board shall refuse the issuance of a certificate of registration for any product or article which, in the judgment of the Board is injurious or detrimental to the consumer, or in violation of this Act. Temporary certificates of registration may be issued by the Board for any product or article pending investigation of such product or article, when in the judgment of the Board the welfare of consumers will not be endangered thereby.

(d) All fees collected under the provisions of this Section shall be put into the State Treasury and shall be kept as a separate fund and used for paying the expenses of the administration and enforcement of this Act, and shall be accounted for as required by law for other funds and expenses of the Board.

(e) Foods, drugs, devices, and cosmetics subject to registration under subsection (a) but which have not been so registered, and the vessels in which they are contained, are contraband and shall be subject to embargo or detained by the procedure provided by Section 6: Provided, That any lot of foods, drugs, cosmetics, or devices manufactured in Kentucky or imported into Kentucky prior to the effective date of this Act shall not be subject to this section and provided, further, that no lot of foods, drugs, cosmetics or devices in possession of a retailer or wholesaler in Kentucky shall be subject to embargo as provided in this paragraph if the certificate of registration of such food, drug, cosmetic or device has been held by the manufacturer, processor, or packer thereof, or his agent residing in the State of Kentucky at the time of such sale to the retailer or wholesaler in Kentucky.

Section 24. The Board may provide for the analysis or examination of any sample of food, drug, cosmetic or device taken or submitted in accordance with the provisions of this Act, and for procuring samples of foods, drugs, cosmetics or devices, and for making inspections into the condition and wholesomeness and purity of the foods, drugs, cosmetics and devices produced, prepared and manufactured, stored or kept or offered for sale; for studying the problems connected with the production, preparation and sale of foods, drugs, cosmetics or devices, investigations for standards, expert witnesses attending the grand juries and courts, clerk hire, and all other expenses necessary for carrying out the provisions of this Act, including salary of the experts employed in the work.

Section 25. The experiment station at the University of Kentucky, in its chemical, bacteriological or research laboratories that are, or may be, established, shall make such analytical, chemical or bacteriological examinations of samples of foods, drugs, cosmetics, devices, or their labels as herein provided, drinking waters, ice, sewage, specimens of fluids, discharges or excretions from the body of humans or

other animals suspected of being diseased to determine the presence of typhoid fever, meningitis, tuberculosis, venereal diseases, pneumonia, diphtheria and such other diseases as may be named by the Board; the brains of animals for examinations for rabies, that may be submitted to the station by the Board in the discharge of the Board's duties, and shall conduct promptly and efficiently this and such other laboratory work for the Board as the laws of the commonwealth require of the Board. In the presence of an outbreak, or impending outbreak, of cholera, yellow fever, plague, cerebrospinal meningitis, infantile paralysis or other pestilences, the laboratory shall equip and conduct such an emergency laboratory at any place as may be needed or demanded by the Board for the prompt location, diagnosis and suppression of such pestilence, the cost of which laboratory to be paid out of the fund provided for the use of the Board for such purposes.

Section 26. The University of Kentucky shall employ a director of the laboratories for the work of the Board, whose qualifications shall include technical and scientific training and experience in public health work, and if at any time the Board finds that such director is incompetent, neglectful or unsuited for the work, upon the written request of the Board, the University of Kentucky shall forthwith employ another director. The University may appoint such assistants as may be necessary for the conduct of the work of the laboratories. The compensation of said director and assistants shall be paid in the same manner as instructors in the University of Kentucky. The director of said laboratory or laboratories, at the direction of the Board, shall keep and furnish such a supply of shipping and mailing containers and other laboratory equipment and supplies as may be necessary to execute the work of the Board.

Section 27. The Board may fix reasonable fees for the examination of samples of foods, drugs, cosmetics, devices, or labels for the same, submitted by manufacturers or dealers,

for the purpose of determining as to whether any such products or labels comply with the provisions of this law, and reasonable fees for the examination of labels and inquiry into other matters connected with the enforcement of this Act, and which may be requested of the Board. Whenever a sample has been found to be adulterated or misbranded by a court, the court shall assess as costs such a fee as to cover the costs of investigation and analysis, and all such fees, so collected, shall be paid into the State Treasury and set aside as a fund for the further enforcement of this Act; provided, that the dealer can prove that the adulteration or misbranding was the fault of the manufacturer, then the dealer is not liable for the cost of investigation or analysis.

Section 28. The Board shall analyze or cause to be analyzed samples submitted by county and city health officers, provided such samples are submitted in accordance with the terms of this Act; and the Board shall have the right to require county and city health officers or their agents to make inspections and to collect and send samples for examination and to call upon all other county and city officials for assistance in carrying this Act into effect. As means for further carrying out the provisions of this Act, the experts employed under the provisions of this Act shall give instructions, free of cost, to any county or city health officer or employee of any county or city health department, who may request the same, in matters pertaining to the inspection and practical remedies for insanitary conditions in the preparation, storage and sale of foods, drugs, devices, and cosmetics, examination of samples, and similar matters; and such course of instruction may be conducted in connection with other courses of instruction at the laboratory of the Board or State University or State Teachers Colleges, or at the annual school for health officers, as provided by law.

Section 29. Any inspector or inspectors appointed by the Board for the purpose of carrying out the provisions of this Act insofar as it relates to drugs, except in circumstances

as designated by the Kentucky Board of Pharmacy, shall be a registered pharmacist and a graduate of a school recognized as in good standing by the Kentucky Board of Pharmacy and the appointment of such inspector or inspectors shall be made by the Board upon the nomination of the pharmacist member.

Section 30. This Act shall take effect on January 1st, 1943. Sections 1272, 1273, 1275, 1281, 1283a-1, 2 and 3, 1905a-65 through 69, 2060 and 2060a-1 through 19 of Carroll's Kentucky Statutes shall remain in force until such effective date and are hereby repealed, effective upon such date: Provided, That the provisions of section 20 shall become effective July 1, 1942 and thereafter the Board is authorized hereby to (1) conduct hearings and to promulgate regulations which shall become effective on or after the effective date of this Act as the Board shall direct, and (2) designate prior to the effective date of this Act, foods having common or usual names and exempt such foods from the requirements of clause (2) of section 11 (i) for a reasonable time to permit the formulation, promulgation, and effective application of definitions and standards of identity therefor as provided by section 9. Provided further, That this Act shall not repeal the Pharmacy Laws, the laws relating to the practice of medicine or the other healing arts, or the Prophylactic Law.

Section 31. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 211.110, 211.120, 217.010, to 217.180, 217.200, subsections (1) and (3) of 217.990, and 315.200, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes, and "KRS 214.190 to 214.270" shall be substituted in place of "Sections 2635c-1 to 2635c-13 (Carroll's Ky. Statutes) inclusive," in paragraph (e) of section 2 of this Act.

Ordered that said bills be printed and referred.

Mr. Ward moved that the House do now adjourn to meet again on tomorrow at one o'clock P. M.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 21, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

C. W. Anderson, Jr.	Guthrie F. Crowe	Crow Jarvis
George P. Anderson	Pink G. Curd	William L. Jones
Henry Arrowood	Dr. J. A. Duff	John S. Juett
William F. Ball	Forest C. Easley	W. A. Lamkin
Robert E. Barry	Harry W. Ennis	H. W. Linville
W. T. Beard	John D. Fields	A. L. Love
Robert E. Beatty	T. P. Fitzpatrick	Harry K. Lowman
Rell Bevins	W. W. Freeman	Hugh D. Lyon
Douglas T. Bolling	Joseph J. Grace	H. McCartney
H. M. Brock, Jr.	Bert P. Hall	Norris McPherson
Gus A. Brooks	A. G. Hamilton, Jr.	Dr. Wm. C. Mann
Sherman E. Carter	Fuller Harding	Ed. Marcum
C. L. Clayton	E. R. Hilton	C. C. May
T. Fowler Combs	Clyde S. Howard	J. Milton Mefford
Oris Cooper	Jerry F. Howell	Sam Milam
M. A. Cornett	Chas. O. Humston	D. J. Moore
John Henry Cox	W. H. Hunt	J. Lee Moore
Rev. W. W. Crouch	Joe B. Jarboe, Jr.	L. D. Moore

C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Clyde Smith
Otto Smither
James D. Stacey
J. Claude Stacy
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
John L. Trumbo
Erna E. Tyra
J. Wood Vance
S. J. Wagner
C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson
Stanley S. Dickson, Speaker

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Cox moved that the privilege of the floor be extended to Messrs. Ed. Fraleich and Carl Cook of Hopkins County.

Said motion was agreed to.

Mr. Easley moved that the privilege of the floor be extended to Mr. and Mrs. Stanley Moebus.

Said motion was agreed to.

Mr. Egbert Taylor moved that the privilege of the floor be extended to Mr. Leslie Larrimore, former member of this House.

Said motion was agreed to.

Mr. Royster moved that the privilege of the floor be extended to Mr. W. D. Barrows of Providence, Kentucky.

Said motion was agreed to.

Mr. Roy Taylor moved that the privilege of the floor be extended to Mr. and Mrs. W. F. Knisler of Augusta, Kentucky.

Said motion was agreed to.

Mr. Mefford sent to the Clerk's desk a Report of the Kentucky Sesquicentennial Commission which was received and filed.

Mr. Shaikun of the Committee heretofore appointed by the Speaker to draft suitable resolutions on the death of the late Honorable Louis Dugan, offered the following resolution, viz:

Whereas, Almighty God who watches over us all has seen fit to take from our midst the Honorable Louis B. Dugan, who was duly elected a representative of the 56th Legislative District for the 1942 session, and

Whereas, we learned to honor and respect the Honorable Louis B. Dugan, while a member of this most honorable body during the regular 1940 Legislature, now therefore

Be It Resolved by the House of Representatives, that the House of Representatives does wish to express its most heartfelt sorrow to the family of the Honorable Louis B. Dugan, its appreciation of the unselfish and intelligent service rendered by him as a member of this Kentucky General Assembly, its appreciation of his devotion to the cause of good government, and hereby commend him for his honesty, integrity, and vision.

Be It Further Resolved, That a copy of this resolution

be spread upon the Journal of the House and a copy be sent to the family of the Honorable Louis B. Dugan.

Leon J. Shaikun
Norris McPherson
Robert E. Barry
Cary B. McDevitt
Wm. J. Lovett
C. W. Anderson, Jr.
Ray Stevenson
Charles Spillman

Said resolution was unanimously adopted.

The Committees to which the same had been previously referred, reported bills of the following titles, viz:

By Mr. Simpson of the Committee on Education No. 1.

H. B. 43. An Act relating to public education.

By Mr. Howard of the Committee on Revenue and Taxation No. 1-A.

H. B. 55. An Act relating to taxation.

Without an expression of opinion.

By Mr. Waterfield of the Committee on Insurance, Life and Casualty.

H. B. 68. An Act providing for the payment of funeral or burial benefits in money; etc.

By Mr. Lovett of the Committee on Compensation for Industrial Injuries.

H. B. 18. An Act relating to Workmen's Compensation.

By Mr. Henry Ward of the Committee on Kentucky Statutes No. 1.

H. B. 74. An Act to amend Sec. 496 of Carroll's Kentucky Statutes, 1936 Edition.

With the expression of opinion that said bills ought to pass with the exception of the one specifically set out above.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Beard of the Committee on Enrollment to which the same had been previously referred, reported that they had examined and found to be correctly enrolled a bill and resolution which originated in this House entitled:

H. B. 1. An Act appropriating money for the operation, maintenance, support and functioning of the State Government of the Commonwealth of Kentucky, etc.

H. Res. 9. Resolution designating Kentucky Poetry Day.

Thereupon all other business was suspended, said bill and resolution were read at length and compared and found to be correctly enrolled and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill and resolution to the Senate.

The Speaker introduced Mrs. Keen Johnson, wife of the Governor of the Commonwealth of Kentucky who extended

an invitation to the members of the House to attend a reception at the Governor's Mansion on Wednesday, January 28 at eight o'clock P. M.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 62. An Act providing educational opportunities for the orphans of soldiers, sailors and marines.

H. B. 70. An Act relating to motor vehicles.

H. B. 28. An Act relating to the keeping of a record of livestock and wool transactions, etc.

With a Committee amendment thereto.

H. B. 78. An Act to amend Section 1565b-4 of Carroll's Kentucky Statutes, 1936 Edition.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

Mr. Henry Ward moved that the privilege of the floor be extended to Mr. L. B. Alexander and daughter, Miss Lillie Frances Alexander of Paducah.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 40. An Act relating to public education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4363-10, Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:-

The State Board of Education is authorized in its discretion to accept the provisions of any act of Congress appropriating and apportioning funds to the state for use in connection with any phase of the state's system of education. It shall prescribe such regulations as it finds necessary to provide for the proper apportionment and disbursement of these funds in accordance with the state and federal laws. Said State Board of Education may accept and provide for the administration of any gift, donation or devise to the schools under its supervision or control.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, Section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 156.100, and shall thereafteer be treated as an amendment to KRS 156.100 rather than an amendment to Section 4363-10, Carroll's Kentucky Statutes.

Mr. Simpson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.
George P. Anderson
Henry Arrowood
William F. Ball
Robert E. Barry
W. T. Beard
Robert E. Beatty
Rell Bevins
Douglas T. Bolling
H. M. Brock, Jr.
Gus A. Brooks
Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
W. W. Freeman
Joseph J. Grace
Bert P. Hall
A. G. Hamilton, Jr.
Fuller Harding
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
Chas. O. Humston
W. H. Hunt
Joe B. Jarboe, Jr.
Crow Jarvis
William L. Jones
John S. Juett
W. A. Lamkin
H. W. Linville
A. L. Love
William Lovett
Harry K. Lowman
Hugh D. Lyon
H. McCartney
Cary McDevitt
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
Sam Milam
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Clyde Smith
Otto Smither
Charles L. Spilman
James D. Stacey
J. Claude Stacy
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
John L. Trumbo
Erna E. Tyra
J. Wood Vance
S. J. Wagner
C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson

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Resolved that the title thereof be as aforesaid.

Mr. Simpson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 48. An Act to change and fix the time of terms of Court in the Tenth Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1 of Chapter 50 of the Acts of 1940 is amended to read as follows:

BARREN COUNTY, at Glasgow, first Monday in January, twelve juridical days; third Monday in April, eighteen juridical days: first Monday in September, eighteen juridical days.

HART COUNTY, at Munfordville, third Monday in January, twelve juridical days; second Monday in May, twelve juridical days; fourth Monday in September, twelve juridical days.

LARUE COUNTY, at Hodgenville, first Monday in February, twelve juridical days; fourth Monday in May, twelve juridical days; second Monday in October, twelve juridical days.

NELSON COUNTY, at Bardstown, third Monday in February, twelve juridical days; second Monday in June. twelve juridical days; fourth Monday in October, twelve juridical days.

METCALFE COUNTY, at Edmonton, fourth Monday in March, six juridical days; first Monday in July, twelve

juridical days; second Monday in November, twelve juridical days.

BULLITT COUNTY, at Shepherdsville, first Monday in April, twelve juridical days; third Monday in July, twelve juridical days; fourth Monday in November, twelve juridical days.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection 10 of KRS 23.050, and shall thereafter be treated as an amendment to subsection 10 of KRS 23.030 rather than an amendment to Chapter 50 of the Acts of 1940.

§ 3. Due to the fact that the terms of the several courts herein are too short to take care of the business therein pending and in order to facilitate more speedy dispatch of legal business, an emergency is declared to exist and this Act shall take effect upon its passage and approval by the Governor.

Mr. Walden offered the following amendment to said bill, viz.:

Amend H. B. 48 on page 2, Section 2, line 5 by changing the figures 23,030 to 23.050.

Said amendment was agreed to.

Mr. Walden moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Fuller Harding	C. Sid Nabb
George P. Anderson	E. R. Hilton	Coy Nevitt
Henry Arrowood	Clyde S. Howard	Robert Nicholas
William F. Ball	Jerry F. Howell	H. C. Patterson
Robert E. Barry	Chas. O. Humston	Paul Pelfrey
W. T. Beard	W. H. Hunt	B. W. Porter
Robert E. Beatty	Joe B. Jarboe, Jr.	Kleber F. Price
Rell Bevins	Crow Jarvis	James E. Quill
Douglas T. Bolling	William L. Jones	L. Allen Rhoads
H. M. Brock, Jr.	John S. Juett	Dr. J. J. Rice
Gus A. Brooks	W. A. Lamkin	Wade H. Riley
Sherman E. Carter	H. W. Linville	Byron H. Royster
C. L. Clayton	A. L. Love	Dr. K. N. Salyer
T. Fowler Combs	Harry K. Lowman	Carl Scheben
Oris Cooper	Hugh D. Lyon	Leon J. Shaikun
M. A. Cornett	H. McCartney	Faust Y. Simpson
John Henry Cox	Norris McPherson	Clyde Smith
Rev. W. W. Crouch	Dr. Wm. C. Mann	Otto Smither
Pink G. Curd	Ed. Marcum	Charles L. Spilman
Dr. J. A. Duff	C. C. May	James D. Stacey
Forest C. Easley	J. Milton Mefford	J. Claude Stacy
Harry W. Ennis	Sam Milam	R. C. Stephenson
John D. Fields	D. J. Moore	Thomas M. Swope
T. P. Fitzpatrick	J. Lee Moore	C. W. Taylor
W. W. Freeman	L. D. Moore	Egbert Taylor
Joseph J. Grace	C. E. Montgomery	Roy L. Taylor
Bert P. Hall	F. E. Morancy	Rev. H. Tinsley
A. G. Hamilton, Jr.	E. R. Morlidge	John L. Trumbo

Erna E. Tyra	C. R. Walden	H. L. Waterfield
J. Wood Vance	H. A. Ward	E. Reed Wilson
S. J. Wagner	Henry Ward	

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Resolved that the title thereof be as aforesaid.

Mr. Walden moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 59. AN ACT relating to city streets, viaducts and bridges, that constitute the route of connection between or extension of state roads in the state highway system, and providing for the construction and maintenance of same by the state.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (a) It is hereby declared that city streets or portions thereof, including viaducts and bridges, over which State and Federal highways are routed or which serve as connecting links to State and Federal Highways, passing through cities are a necessary and integral part of the State Highway System of roads and that said streets serve a state purpose and are for the general benefit of the State, and that the maintenance of said streets is a proper and legitimate State function.

(b) When such streets have been designated by the Commissioner of Highways as a necessary part of the connecting links of the State Primary Road System as hereinafter provided, the future maintenance, repair, construction

and reconstruction of such streets shall be done by the Department of Highways as is now provided by law for the maintenance of other roads in the State Primary System.

§ 2. The Commissioner of Highways on and after July 1, 1942 may designate such city streets or portions thereof, including viaducts and bridges, as in his discretion are connecting links of State or Federal maintained highways or that he may in his discretion determine to be necessary feeder streets and necessary to produce an adequate system of highways. The Department of Highways shall prepare and cause a record of such city streets so designated and upon each such designation he shall furnish to each city a statement of the streets so designated in that city.

§ 3. On and after July 1, 1942, the Department of Highways may maintain and repair, construct and reconstruct under its control and supervision such city streets so designated by the Commissioner of Highways, and may make appropriations and expenditures out of its fund for such purposes. The Department may enter into any and all contracts inclusive of agreements with cities and with any Federal agencies authorized so to do for such purpose. Nothing in this Act, shall require or authorize the Department of Highways to sweep, sprinkle, light or police said designated city streets.

§ 4. (1) Whenever the Department of Highways shall hereafter construct or reconstruct any State road which passes through any city, it shall construct or reconstruct the street through the city in no lower type or construction than that used in the construction of the road at the point where it enters the city or at the point where it leaves the city. Whenever any city street is constructed, reconstructed or repaired under the provisions of this Act, the Department of Highways need not remove or relay any under ground sanitary sewers, gas or water mains or other similar public utilities.

(2) If a street is constructed or reconstructed under the provisions of this Act, the plans and specifications for the construction or reconstruction of the street shall be submitted to the proper authorities of the city and shall be approved by the authorities of the city before the Department of Highways shall attempt the construction or reconstruction.

(3) The Department of Highways shall not construct or reconstruct any street under the provisions of this Act until the officials of the city have established the grade in conformity with the plans and specifications and by ordinance provided that the Department of Highways in the construction or reconstruction of the street is acting as the agent of the city. The Department of Highways shall not be liable to property owners for the changing of the grade or establishing new grades, but damages, if any, resulting to such property owners shall be paid by the city.

§ 5. When the Commissioner of Highways has designated any street in any city as a part of the State Primary Road System, no construction, reconstruction, maintenance or repair of the street shall be done by the Department of Highways until the city has conveyed to the Commonwealth of Kentucky, without cost to the state, all rights of way it owns upon which the street is located. If it is necessary to acquire new or additional rights of way, the city shall cause the rights of way to be deeded to the Commonwealth of Kentucky for the use and benefit of the Department of Highways and the Department of Highways may participate in the cost of such new or additional rights of way.

§ 6. (1) The Department of Highways may provide, establish and maintain signs and markers, for assistance in the regulation of traffic upon such designated city connecting link streets.

(2) Whenever additional traffic laws are mutually agreed upon by the Department of Highways and the city governing body or authorized city officer or agency, the cost of the fixtures and installations shall be borne by the Department of Highways and the city shall provide the maintenance.

(3) Erection of electric signals on designated streets, where needed, shall be done by mutual agreement between the city and the Department of Highways.

§ 7. Any city or person who enters upon such designated city connecting link streets or rights of way thereof, for the purpose of laying conduits, pipes, poles or wires therein, thereon or thereunder or makes any obstruction thereon or any excavation thereunder, which necessitates any change in the condition or structure thereof, shall do so as provided by regulations prescribed by the Department of Highways. The Department of Highways may prescribe rules and regulations for the protection of city connecting link streets, under which such work shall be done, and require indemnity for any damage occasioned by work done under the regulations.

§ 8. Section 4356t-8 of Carroll's Kentucky Statutes, 1936 edition, is repealed.

§ 9. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section eight of this Act shall be treated as repealing KRS 177.040, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

Mr. Ward offered the following amendment to said bill, viz.:

Amend H. B. 59 on page 3 Section 6, line 4 by striking

out the word "laws" and inserting in lieu thereof the word "lights"

Said amendment was agreed to.

Mr. Fitzpatrick moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	T. Fowler Combs	Bert Hall
George P. Anderson	Oris Cooper	A. G. Hamilton
Henry Arrowood	M. A. Cornett	Fuller Harding
William F. Ball	John Henry Cox	E. R. Hilton
Robert E. Barry	Guthrie F. Crowe	Clyde S. Howard
W. T. Beard	Pink G. Curd	Jerry F. Howell
Robert E. Beatty	Dr. J. A. Duff	Chas. O. Humston
Rell Bevins	Forest C. Easley	W. H. Hunt
Douglas T. Bolling	Harry W. Ennis	Joe B. Jarboe, Jr.
H. M. Brock, Jr.	John D. Fields	Crow Jarvis
Gus A. Brooks	T. P. Fitzpatrick	William L. Jones
Sherman E. Carter	W. W. Freeman	John S. Juett
C. L. Clayton	Joseph J. Grace	W. A. Lamkin

H. W. Linville
A. L. Love
William Lovett
Harry K. Lowman
Hugh D. Lyon
H. McCartney
Cary McDevitt
Norris McPherson
Ed. Marcum
C. C. May
J. Milton Mefford
Sam Milam
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Clyde Smith
Otto Smither
Charles L. Spilman
James D. Stacey
J. Claude Stacy
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
John L. Trumbo
J. Wood Vance
S. J. Wagner
C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson
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Those who voted in the negative were—

Rev. W. W. Crouch Dr. Wm. C. Mann —2

Resolved that the title thereof be as aforesaid.

Mr. Fitzpatrick moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills and a resolution which originated in that body, entitled:

S. B. 10. An Act amending the Reorganization Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4618-89 Kentucky Statutes, Carroll's 1936 Edition, and Section ——— of Kentucky Revised Statutes, be amended and reenacted so as to read as follows:

The division of purchases and public properties under the direction of the Commissioner of Finance, shall purchase for the combined requirements of all spending agencies of the State all supplies, materials, and equipment, except library books, scientific equipment, or shall control or delegate the purchase thereof. The division shall have supervision over all purchases by the various spending agencies, except as otherwise provided in this Act, and may prescribe rules to govern purchasing by or for all such agencies, subject to the approval of the Commissioner of Finance; and no purchase or contract shall be binding on the State or any agency thereof unless approved by the division or made under general regulations which the Department may prescribe. The division shall maintain perpetual inventories of plant and equipment. It shall have power, with the approval of the Commissioner of Finance, to transfer between departments, to salvage, to exchange, and to condemn supplies and equipment. It shall sell all property (including real estate) of the State determined, with the approval of the Commissioner of Finance and the Governor, not to be needed for public use or to have become unsuitable for such use. All deeds covering the sale of real estate shall be executed and signed by the Commissioner of Finance and approved and signed by the Governor. It shall purchase all property (including real estate) determined to be needed for State use, upon the approval of the Commissioner of Finance and the Governor as to the determination of need and as to the action of purchase. Nothing in this provision shall affect the power

now vested by existing law for the purchase of real estate by State agencies or divisions thereof. It shall fix standards of quality and quantity, and shall develop standard specifications in consultation with the several spending agencies of the State. It shall maintain records of supplies for various classes of purchases, unit costs under contracts, trends of prices and costs, and other matters incident to performance of its functions as the Commissioner of Finance directs. It shall attempt in every practicable way to insure the State's supplying its real needs at the lowest possible cost.

The division shall operate a mail and messenger service for all agencies located at the seat of government and shall handle all postage for such agencies, so far as practicable by postage meter, and may maintain a control supply service including control storeroom for stationery and office supplies. It shall provide such duplicating and minor printing services to other agencies as can practicably and economically be rendered by means of available types of office equipment. It shall provide, so far as practicable, clerical and stenographic services as needed for unusual work demands of other agencies at the seat of government above the normal demands that can be met by their permanent staff.

It shall be responsible for the custody, management, maintenance, improvement, and operation of all buildings and grounds owned or leased for the use of agencies of the State other than buildings and grounds maintained for the exclusive use of any one agency. It shall have authority to allocate the space in the State Capitol and any other building or buildings in its custody to the various agencies, according to their several needs and the space available, and to lease and allocate space for the housing of agencies that cannot be so accommodated when funds are made available for that purpose.

The division of purchases and public properties shall be headed by a purchasing agent, who shall have had four years

of responsible experience in purchasing, or equivalent experience.

If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 42.060, and thereafter be treated as an amendment to KRS 42.060 rather than an amendment to Section 4618-89 of Carroll's Statutes.

S. B. 8. An Act relating to the transfer of prisoners confined in any of the state penal institutions or reformatories.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That the Commissioner of Welfare of the Commonwealth of Kentucky shall be charged with the duty of classifying all prisoners and with the duty of segregating said prisoners in all of the state penal institutions and reformatories according to their past records, the probability of their being rehabilitated, the influence such prisoners might exert upon fellow prisoners, and for any other purpose that the Commissioner of Welfare, in his discretion, may deem sufficient for the discipline of the prisoners in any institution or reformatory, and for the rehabilitation of any of said prisoners.

Section 2. For the purposes of carrying out Section One of this Act, the Commissioner of Welfare is vested with the authority to direct and compel the transfer of any prisoner from any penal institution or reformatory, irrespective of the order of the court committing said prisoner to any one institution or reformatory.

Section 3. The Commissioner of Welfare is further vested with the authority to transfer any prisoners from any penal institution or reformatory to any State property or building under the control of the Department of Welfare for the purpose of using the labor of said prisoners in repair, reconstruction or construction of any State property under the control of the Department of Welfare of any kind any where situated within the Commonwealth; provided that such prisoners are properly housed and guarded during the period of such transfer.

Section 4. There being an immediate need for the segregation of prisoners and there being an immediate need for work to be done at the various state institutions and properties under the control of the Department of Welfare, an emergency is declared to exist, and this Act shall become effective upon its passage by the General Assembly and its approval by the Governor.

S. B. 7. AN ACT relating to national and state defense; authorizing and creating a State Defense Council to assist in coordinating state and local activities related to national and state defense; providing for the organization of such council and for the appointment of its members by the Governor; providing for their qualifications and term of office; authorizing the Council to employ an executive director and other assistants and make other expenditures to carry out the purposes of this Act; prescribing the powers and duties of the Council; directing the Council and local and regional defense councils to utilize existing services and facilities; providing for the creation of local and regional defense councils and for the powers and duties of such councils; and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the "State Defense Council Act."

Section 2. There is hereby created a board and public body corporate to be known as the State Defense Council, hereinafter designated as the "Council", for the general purposes of assisting in the coordination of the state and local activities with the activities of the nation and other states in matters related to national and state defense.

Section 3. (a) The Council shall consist of five members to be appointed by the Governor and to hold office during the pleasure of the Governor for a period not to exceed four years from the time of the appointment. The Governor shall appoint the five members from state officials. The Governor shall serve as ex officio Chairman of the Council. He shall designate one of the members of the Council as Vice-Chairman and State Director of Civil Defense. No state officer shall be ineligible as a member of the Council by reason of holding any such other office, any existing law to the contrary notwithstanding. Three members of the Council shall constitute a quorum. The Governor may appoint deputy directors of the Council who need not be members of the Council.

(b) The Council may employ an executive secretary and such technical, clerical, stenographic, and other personnel, and fix their compensation, and may make such expenditure within the appropriation therefor, or other funds made available to it, as are necessary to carry out the purposes of this Act.

(c) The members of the Council shall serve without compensation, but shall be reimbursed for all their actual

and necessary hotel and traveling expenses within or without the State, including traveling from their respective homes to Frankfort and return, and hotel and living expenses while in Frankfort solely on the official business of the Council, and other expenses incurred in the performance of their duties under this act. No agreement for compensation to any employee who may be engaged under the provisions of subsection (b) above shall be valid unless authorized by a quorum of the Council and approved by the vice-chairman and the Governor; nor shall any voucher for expenses be valid or honored unless so approved.

(d) The Council is authorized and empowered to purchase, maintain and operate such automobile, or other motor transportation, as it may deem necessary for facilitating the carrying out of the purposes of this act.

Section 4. Unless called by the chairman to meet elsewhere, the members shall hold all meetings in Frankfort, Kentucky, and said Council shall have the right to expend such reasonable sums as may be necessary to establish and maintain offices in that city. The Governor or the vice-chairman and State Director of Civil Defense shall have a right to call a meeting of the Council at any other place in the State of Kentucky.

Section 5. The Council shall have the following powers and duties:

(a) To adopt, amend and repeal rules, regulations, and by-laws governing its procedure and activities.

(b) To initiate and carry on within the state measures to coordinate emergency defense activities of the state, including those of all voluntary organizations and committees engaged in patriotic service, and supervise the solicitation of funds by all such organizations and committees; and to

cooperate with the United States Director of Civilian Defense, or with any other similar federal agency or agencies hereafter created and with any departments or agencies of the United States or other states engaged in defense activities.

(c) The Council is authorized to receive appropriations from the State of Kentucky or any subdivision thereof, and donations from organizations or private individuals, and to use and account for the same for the purposes of said Council. All monies received by said Council shall be credited to a revolving fund account in the general fund of the Commonwealth and expended only for the purposes set forth in this act. If any fund shall remain in its hands after the expiration of its duties, the same shall be covered into the Treasury of the State of Kentucky for the general purposes of the State unless otherwise directed to be disposed of under the terms of the particular appropriation or donation.

(d) To supervise and direct investigation, and report to the Governor with recommendations for legislation or other appropriate action as it may deem necessary with respect to any matter relating to emergency defense activities, including maintenance of law and order, measures to guard against sabotage and subversive activities, police mobilization, coordination for fire protection, and disaster prevention and relief, and any other type of activity directly or indirectly related to acts or measures of emergency defense.

(e) To create committees, either within or without its membership, to aid it in the discharge of its powers and duties.

(f) To require and direct the cooperation and assistance of state and local governmental agencies and officials within their respective official territories.

(g) To do all acts and things, not inconsistent with law, for the furtherance of emergency defense activities.

Section 6. In order to avoid duplication of services and facilities the Council and the local and regional defense councils established under the authority of this Act are:

(a) Directed to utilize the services and facilities of state, county and municipal officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the state and of the political subdivisions thereof, and

(b) All such offices and agencies shall cooperate with and extend their services and facilities to the Council and to local and regional defense councils as the State Council may direct or require.

Section 7. The Council is authorized to establish local defense councils in areas within each county, and to dissolve and reorganize such local councils at is pleasure. Local defense councils, if and when established, shall cooperate with and assist the Council, and shall report to it when and as required by it and shall act under its direction. Such local councils shall in any event terminate and cease activity whenever the Council itself is dissolved or suspended.

Section 8. The Council is authorized to establish regional defense councils containing two or more counties of especial importance in emergency defense activities. Such regional councils shall act as coordinating agencies under the supervision and direction of the Council, and shall report to it when and as required by it.

Section 9. The Council shall render to the Governor on the first day of January in each year and through the Governor to the Legislature at each session a full account of its activities during the preceding year and an itemized state-

ment of all monies received and paid out by it of all funds drawn upon the State Treasury.

Section 10. Because of existing world, national, state and local conditions and the necessity for the complete coordination of all activities in connection with national defense, it is hereby declared that an emergency exists within the meaning of the Constitution of Kentucky, therefore, this Act shall be in full force and effect from and after its passage and approval.

S. B. No. 1. An Act relating to the Militia of this State.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. KENTUCKY ACTIVE MILITIA AUTHORIZED:

Sections 2711a-145 to 2711a-150, inclusive, being Chapter 51 of the Acts of 1934, and being sections ..... to ....., inclusive of the Kentucky Revised Statutes, are hereby repealed and reenacted and when reenacted shall read:

That whenever the President of the United States shall call any part of the National Guard of this State into active Federal service, the Governor is hereby authorized to organize the Kentucky Active Militia under such regulations as the Secretary of War may prescribe for discipline and training.

§ 2. GOVERNOR SHALL BE COMMANDER-IN-CHIEF:

The Governor shall be Commander-in-Chief of the Ken-

tucky Active Militia, and the Adjutant General shall be the Executive Officer and shall be responsible to the Governor for the proper functioning of the Kentucky Active Militia, and he is hereby authorized and empowered to take necessary action to perfect and maintain an efficient organization for the purposes herein set out. He shall have charge of all matters of administration and organization, which shall be in all respects, insofar as necessary and applicable, the same as that of the National Guard.

§ 3. EXECUTIVE COUNCIL:

For the purpose of assisting the Executive Officer in the organization and maintenance of the Kentucky Active Militia an Executive Council of three (3) members is hereby created. They shall be appointed by the Governor and they are hereby empowered to make and promulgate, through the Adjutant General, rules and regulations for the organization and government of the Kentucky Active Militia; to prescribe the uniforms and badges or insignia to be worn; to prescribe the character of arms to be used; and to have general supervision of the Kentucky Active Militia as regards to all matters not definitely fixed by law. Said Executive Council shall hold meetings at the State Capitol at Frankfort, Kentucky, whenever called by the Adjutant General after due notice to that effect. The members of the Excutive Council shall serve without compensation when attending meetings of the Council but shall be allowed their reasonable expenses so incurred.

§ 4. GOVERNOR TO ORGANIZE KENTUCKY ACTIVE MILITIA:

The Governor is hereby authorized to enlist, organize, maintain, equip, discipline and pay when called into active field service a volunteer defense unit other than the National Guard, to be known as the Kentucky Active Militia, which shall consist of able bodied males who are residents of the

State of Kentucky and who are between the ages of eighteen (18) and sixty-four (64). At no time shall the number of enlisted men and officers in the Kentucky Active Militia exceed two thousand (2,000).

§ 5. GOVERNOR AUTHORIZED TO COMMISSION NECESSARY OFFICERS:

The Governor of Kentucky is hereby authorized to appoint and commission the necessary officers for the Kentucky Active Militia. The Adjutant General of the State with the approval of the Governor shall prescribe rules and regulations governing the enlistment, organization, administration, pay, equipment, discipline and discharge of the personnel of the Kentucky Active Militia; obtain by requisition or purchase from the Secretary of War such necessary arms and equipment as may be secured from the War Department, or procure from some other source the necessary arms and equipment to maintain and equip the Kentucky Active Militia; and provide the necessary space for the housing of property and for the purpose of drills and instruction.

§ 6. COMMISSIONS FOR OFFICERS AND ENLISTMENTS AND DISCHARGES FOR ENLISTED MEN:

All officers shall be appointed and commissioned by the Governor. All men shall be enlisted by the unit commanders and shall be discharged upon order of the Governor for the same reasons as men are discharged from the National Guard, when such discharge is requested in writing by the unit commanders.

§ 7. OATH OF COMMISSIONED OFFICERS AND ENLISTED MEN:

All officers and enlisted men of the Kentucky Active

Militia shall take an oath similar to that required to be taken by commissioned officers and enlisted men of the National Guard. Said oath when duly subscribed to shall be filed with and preserved by the Adjutant General of Kentucky. The oath shall be administered to all officers by any person authorized to administer an oath. The Commanding Officers of the units are authorized and empowered to administer the oath to all enlisted men in their units.

§ 8. THE GOVERNOR MAY DISBAND AND REORGANIZE THE KENTUCKY ACTIVE MILITIA:

The Governor shall have the power to alter, divide, annex, disband or reorganize any organization of the Kentucky Active Militia whenever in his judgment the efficiency of the State forces will thereby be increased, and he shall have power to change the organization so as to conform to the regulations now or hereafter prescribed by the laws of the United States for the organization of the National Guard.

§ 9. GOVERNOR AUTHORIZED TO CALL KENTUCKY ACTIVE MILITIA INTO ACTIVE SERVICE:

The Governor is hereby authorized to call and to assign any part of the Kentucky Active Militia to active service for the purpose of resisting invasion, suppressing rebellions, insurrections, riots or threats thereof; to suppress any active, unlawful or threatened violence to persons or property in this State; to authorize the arrest of all persons engaged in aiding or abetting therein; to investigate any acts of treason, sabotage or attempted sabotage and to cause the arrest of such persons engaged therein for aiding and abetting; to protect life and property in the event of any emergency or disaster. The Governor may by his order prescribe the duty to be performed by the troops thus called into active field service. The Governor may direct the commanding officer of such

military forces thus ordered into service to report to any of the following named civil officers of the district, county, city or town: Circuit judge, sheriff, county judge or mayor; and such civil officers may direct the specific object to be accomplished by such military force, but the tactical direction and disposition of the troops and the particular means to be employed to accomplish the object shall be left solely to the officers of the Kentucky Active Militia. Troops shall not be relieved from active field service except by order of the Governor.

§ 10. CODE OF REGULATIONS:

The system of organization, armament, discipline and government shall be prescribed from time to time in a "Code of Regulations" to be promulgated by the Adjutant General after being authorized by the Executive Council.

§ 11. DRILLS AND ARMS AUTHORIZED FOR THE KENTUCKY ACTIVE MILITIA:

Companies and other units of the Kentucky Active Militia are hereby authorized to drill, to parade and to have all other ceremonies, privileges and rights in regard to such matters, within the State, as is authorized by law for the National Guard.

§ 12. OFFICER OR SOLDIER REFUSING TO OBEY:

Any officer or soldier of the Kentucky Active Militia who shall refuse or neglect to obey the orders of the commanding officer or of any officer or non-commissioned officer legally appointed as his superior, or who shall wilfully fail to report for or attend any duly prescribed drill or formation or who shall wilfully breach the discipline or infringe any of the rules and regulations prescribed for said Kentucky Active Militia shall be guilty of a misdemeanor and shall be punishable in

courts of criminal jurisdiction by a fine of not less than $1.00 or more than $25.00 for each offense, and cost.

§ 13. OFFICE IN ACTIVE MILITIA NOT INCOMPATIBLE WITH ANY OTHER CIVIL OFFICE:

No office in the Kentucky Active Militia shall be incompatible with any civil office in the Commonwealth, either State, county, district or city.

§ 14. NOT LIABLE FOR ACTS DONE IN PURSUANCE OF DUTY:

Officers and enlisted men of the Kentucky Active Militia ordered into active service by proper authority shall not be liable civilly or criminally for any act or acts legally done in the pursuance of their duty in such service.

§ 15. COMMANDING OFFICERS' VISITS OF INSTRUCTION AND INSPECTION:

Commanding and staff officers of regiments and battalions are hereby authorized to make such visits of instruction and inspection, when authorized by the Adjutant General to do so, as in his discretion may be necessary. When making said visits they shall serve without compensation but shall be allowed reasonable expenses.

§ 16. PAY FOR MEMBERS OF KENTUCKY ACTIVE MILITIA WHEN ON ACTIVE DUTY:

Officers and enlisted men when called into active field service of the State as provided and defined in this Act, beginning with the day they assemble at their armories or other designated places until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall receive pay at the following daily rates:

Major General	$12.00
Brigadier General	10.00
Colonel	8.00
Lieutenant Colonel	7.00
Major	6.00
Captain	5.00
First Lieutenant	4.50
Second Lieutenant	4.00
Warrant Officer	3.50
Master Sergeant	3.00
Technical Sergeant	2.75
First Sergeant	2.50
Staff Sergeant	2.25
Sergeant	2.00
Corporal	1.75
Private	1.50

and in addition thereto actual and necessary cost of transportation, when such transportation is not furnished in kind. Officers shall be allowed not to exceed three dollars ($3.00) per day in lieu of quarters and subsistence, when such quarters and subsistence are not furnished in kind. Enlisted men shall receive subsistence in addition to the pay and transportation provided above.

§ 17. EXPENSE TO BE PAID OUT OF ANY MILITARY DEPARTMENT BUDGET APPROPRIATION:

All necessary cost and expense of perfecting and maintaining the organization of the Kentucky Active Militia, the payment of salaries, expenses of administration, purchase of necessary equipment, supplies, printing, postage and all other necessary expenditures shall be paid out of any budget appropriation made for the present or that may be made for any future fiscal year, for use of the Military Department, and the Adjutant General is hereby authorized and empowered to use any funds so appropriated interchangeably

for the Kentucky Active Militia or the National Guard, except as to the Armory Fund. In the event there is not sufficient funds in the budget allotted to the Adjutant General, the Governor is authorized to expend from his Emergency Fund or any other fund appropriated by the Legislature a sufficient amount to take care of any deficiency that may arise.

§ 18. OFFICERS AND ENLISTED MEN RIGHT TO CARRY ARMS:

Officers and enlisted men of the Kentucky Active Militia when ordered on active duty as prescribed herein shall have the right to carry arms. All officers and enlisted men shall have the right to carry arms at any drill or ceremony.

§ 19. IMPERSONATING A MEMBER OF THE ACTIVE MILITIA; PENALTY:

Any person who shall wear any uniform or insignia or badge duly authorized as a designation of an officer or enlisted man of the Kentucky Active Militia, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $1.00 nor more than $10.00 at the direction of the Court or Jury.

§ 20. REPEALS:

All acts or parts of acts in conflict herewith are to the extent of such conflict hereby repealed.

§ 21. EMERGENCY CLAUSE:

WHEREAS, the United States of America is now at war with several foreign nations and all of the Kentucky National Guard, which heretofore was used by the State of Kentucky to protect and safeguard life, liberty and property and to prevent lawlessness and in any other emergency, has been called into Federal service, the Kentucky Active Militia is badly needed to protect life and property; and

WHEREAS, under the present law of the State of Kentucky the State is not permitted to equip them in any manner, and they are badly in need of uniforms and other equipment in order that they may be called into active service which may be needed at any time

An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

§ 22. PARTIAL INVALIDITY OF THIS ACT:

If any section, sub-section, sentence, clause or phrase of this Act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, as it is the intention of the General Assembly in the enactment of this Act to enact each and every section separately and independently of each other.

§ 23. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 36.160, 36.210, all of KRS Chapter 37, and subsection (2) of KRS 38.030, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

§ 24. If the Kentucky Revised Statutes are enacted at the present session, KRS 36.170 shall, upon the taking effect of the Kentucky Revised Statutes, stand amended to read as follows:

"The system of organization, armament, discipline and government of the National Guard shall be prescribed from time to time in a code of regulations promulgated by the Governor, subject to the laws and regulations of the United States and to general exceptions authorized by the Secretary of War."

and paragraph (j) of KRS 29.030 shall stand amended to read:

"Officers and enlisted men of the National Guard."

S. Res. 7. A Joint Resolution for the benefit of the Bank of Blaine, a banking corporation, of Blaine, Kentucky, for refund of money erroneously paid for taxes.

WHEREAS the Board of Equalization of Lawrence County, Kentucky, did assess against the Bank of Blaine all real estate mortgages held by it as of July 1, 1938, in the sum of $30,443.00, and

WHEREAS no notice of said assessment was given to the Bank of Blaine, and

WHEREAS the said mortgages were reported by the Bank of Blaine as provided by Kentucky Statutes 4109a-10, and

WHEREAS the value of said mortgages was included in arriving at the value of the shares of stock of said Bank of Blaine for taxation for the year 1939, and

WHEREAS in addition to said values of shares of stock the Bank of Blaine was charged with taxes on said $30,443.00 worth of mortgages, and a tax bill was prepared by Wm. W. Moore, County Court Clerk of Lawrence County, for said amount and exhibited to the Bank of Blaine by Proctor Fyffe, Sheriff of Lawrence County, and collection of same required, and

WHEREAS, payment of tax on said $30,443.00, the value of the mortgages, at the rate of fifty cents per one hundred dollar valuation, to-wit, the sum of $152.22, less only the discount of two per cent, making a net total of $149.18, was collected from the Bank of Blaine for said taxes, and

WHEREAS the same to said extent of $149.18 is a

duplication of taxes; a duplication of assessments and a duplication of collection against said Bank of Blaine for said year of 1939, therefore

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Bank of Blaine, a banking corporation, of Blaine, Kentucky, is entitled to a refund in the sum of $149.18, because said sum was erroneously assessed and collected from it for taxes as aforesaid. Immediately upon passage of this resolution the Commissioner of Finance is directed to draw a warrant in favor of the Bank of Blaine, a corporation, in the aforesaid amount of $149.18, and immediately transmit it to the State Treasurer who shall issue a check in favor of the Bank of Blaine, a corporation, in the amount of $149.18 from the general expenditure fund.

Ordered that said bills and resolution be printed and referred.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz:

By Mr. Shaikun

H. B. 97. An Act to require corporations doing business under an assumed or fictitious name to register such name in the offices of the County clerk and the Secretary of State; providing a time limit within which such registration must be made; providing fees for recording certificates; and providing penalties for violation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) No corporation shall conduct or transact any business in this state under any assumed or fictitious name, or under any other than its corporate name unless it has complied with subsection (2) and filed in the office of the county clerk of each county in which it conducts business a signed and acknowledged certificate stating:

(a) The name under which such business is to be conducted;

(b) The legal name of the corporation;

(c) The addresses of the principal place of the business of the corporation;

(d) The address of the place of business in the county in which the certificate is recorded; and

(e) If the corporation is a foreign corporation, the date of the certificate of authority to do business in Kentucky issued to it by the Secretary of State.

(2) The corporation shall file in the office of the Secretary of State a signed and acknowledged copy of the certificate, attested by the county clerk in whose office the original is on file.

§ 2. Each such corporation now doing business in Kentucky shall comply with section one within thirty days after the effective date of this Act.

§ 3. The clerk of the county court and the Secretary of State shall each be entitled to receive a fee of fifty cents ($0.50) for recording each certificate described in section one.

§ 4. Any corporation violating the provisions of this Act shall be fined in an amount not exceeding five hundred

dollars ($500.00) for each separate offense. Each day the corporation continues to do business without complying with the provisions of the Act shall constitute a separate offense.

By Mr. Shaikun.

H. B. 98. An Act to repeal Chapter 95, being Section 3780 to 3786, both inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, and enacting in lieu thereof an Act relating to county patrols or county police forces, the appointment, jurisdiction, organization, equipment, maintenance, operation thereof and concerning the rights, powers and duties of county and fiscal courts, which Act shall be designated as Sections 3780, 3781 and 3782 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Chapter 95 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, being Sections 3780, 3781, 3782, 3783, 3784, 3785 and 3786 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be and the same are hereby repealed, and that in lieu thereof there be reenacted Chapter 95 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, and to be known as Sections 3780, 3781 and 3782 of the Kentucky Statutes, so that when the same is amended and reenacted that said chapter and section as amended and reenacted shall read as follows:

Section 3780. COUNTY JUDGE TO APPOINT; JURISDICTION OF COUNTY POLICE.

The county courts of the respective counties shall have and are hereby given the power, jurisdiction and authority

to establish, appoint and maintain a county police force within their respective counties, all of the members and officers of which shall have and are hereby given jurisdiction coextensive with the whole county for which they are appointed. Such police force may consist of a chief and such member, rank and grade subordinate to the chief, and such clerical and skilled employees as the county judge shall deem proper. All of the members of such county police force shall be appointed by the county judge and shall serve at the pleasure of the judge of the county court of their county. None but discreet and sober persons shall be appointed to any position on said county police force. Each of the members of the said county police force shall take an oath before the judge of the county court of their county, to faithfully, impartially and diligently perform the duties of their respective offices. Provided, however, that the chief officer of the county police force of any county may be designated, in the discretion of the county court of said county, as captain or any other appropriate title, and such county police force in any county may consist of one or more commanding officers, as the county court of such county may deem proper or adequate.

Section 3781. RULES AND REGULATIONS, GROUPS, DIVISIONS, SUB DIVISIONS, APPOINTMENT, PROMOTIONS, TRANSFERS, REMOVALS, SUSPENSION, REINSTATEMENT, FINES AND DISCIPLINE STANDARDIZATION AND CLASSIFICATION; RIGHTS AND POWERS OF FISCAL COURTS.—The county court shall have and is hereby granted the power to make, promulgate and amend rules and regulations for the appointment, promotion, transfer, laying-off, suspension, reinstatement, fine and removal of the personnel of the said county police force, the number of hours of each day, week or month the officers and members shall be on duty, and for the standardization and classification of all of the members of said force into groups, grades, and divisions, or subdivisions

and for the organization, equipment and maintenance of said police force, subject to the rights of the fiscal court of the respective counties to fix salaries and compensation of all of the officers and employees of said police department, provided, however, that no fees shall be allowed or paid to said officers or employees.

Section 3782. COMPENSATION; ESTABLISHMENT AND MAINTENANCE OF COUNTY POLICE FORCE, POWERS, SALARIES AND DUTIES; BONDS. — The fiscal courts of the respective counties shall fix the salaries or compensation of the chief and all other appointees and employees appointed by the county judge in accordance with the provisions of the Kentucky Statutes, Section 3780, provided, however, that no patrolman shall be paid more than $1800.00 per annum, no captain shall be paid more than $2100.00 per annum, no assistant chief shall be paid more than $2700.00 per annum, and no chief shall be paid more than $3600.00 per annum, which salaries or compensation shall be payable in equal monthly installments out of the county levy and further, provided, that no fees or other compensation shall be paid or allowed to any of the officers or members of said county police force. The chief and all other appointees and employees shall be appointed by the county judge and shall serve in such capacities during the pleasure of the county judge. All members of the county police force shall be citizens of the United States and shall have been bona fide residents of the county in which they are appointed for not less than one year before their appointment, and shall not be less than twenty-one years of age. The fiscal court shall, by order, fix the amount of the salary of all appointees within the limitations herein provided and may within their discretion provide for motor vehicles, stations, sub-stations, places of detention, telephone, wireless, radio or other means of communication within their discretion and make appropriate levy and appropriations therefor, and may also, with the approval of the judge of the

county court, direct the amount of bond to be required of each member of said county police force and may, in their discretion, provide for the payment of premiums on said bonds out of funds appropriated for said county police force.

The said chief, and all other appointees assigned to patrol or police duties are hereby declared to be peace officers and conservators of the public peace whose duties are to conserve the peace, enforce all laws and preserve order and shall have and are hereby given the same right and the same power to arrest, search and seize as is now given by law to sheriffs of this Commonwealth, and they shall be at all times subject to the orders of the county court. Provided, however, that the members of said county police force shall not have power to serve subpoenas, summonses and notices in civil cases.

2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 70.510 to 70.530, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Shaikun.

H. B. 99. An Act pertaining to trial commissioners to be appointed by county judges.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1077b-1, Carroll's Kentucky Statutes, Baldwin's 1936 Edition be repealed, amended and re-enacted so that when re-enacted said Section shall read as follows:

The Judge of the County Court, in each county of this Commonwealth wherein the Fiscal Court may authorize, is

hereby authorized to appoint a trial commissioner or commissioners who shall hold office at the pleasure of the Judge, and shall discharge such judicial duties as may be assigned to him by the judge.

The commissioner shall report his actions to the judge for the approval or disapproval of the judge.

The commissioner must possess the qualifications of a judge of the county court, and shall receive a salary to be fixed by the fiscal court of the county not exceeding thirty-six hundred dollars ($3,600.00) per annum, and shall be paid in the same way as the county judge is paid.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 25.280, and shall thereafter be treated as an amendment to KRS 25.280 rather than an amendment to section 1077b-1 of Carroll's Statutes.

By Mr. Shaikun.

H. B. 100. An Act relating to registration of voters.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1486bb-10 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

(1) When a voter registered outside of cities of the first class changes his place of residence from one precinct to another in the same county, he may apply to the county clerk in person or by letter or by form which may be provided to have his registration record transferred to the

proper precinct. The clerk shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the county clerk within ten days from the date of the notice. If no protest is filed within the period of ten days the county clerk shall change the registration record to the proper precinct as requested. If protest is filed within the ten-day period, the change shall not be made until the clerk has investigated the matter and given the protesting voter an opportunity to be heard. When a change is so made, the clerk shall, under the head "remarks" on his original and copy registration record forms, write the words "removed to ..... precinct," and the date. Such tranfers shall be registered only on those days when registrations are allowed under section 1496-14.

(2) When the boundaries of any precinct are changed by law and the change places a registered voted in a new or different precinct, the county clerk shall transfer the individual registration record of the voter to the precinct registrar for the precinct in which he is placed by the change of boundary. The transfer shall be made automatically, without any application therefor by the voter. The date on which the change is made and the reason therefor shall be noted on the individual's registration record, and a notice thereof shall be mailed by the county clerk to the voter, advising him thereof and the reason therefor.

§ 2. Section 1496-14 of Baldwin's 1938 Supplement to Carroll's Kentucky Statutes, as amended by Chapter 75 of the Acts of 1940, is amended to read as follows:

(1) Any person possessing the qualifications for registration as a legal voter may appear before the county clerk of the county of his residence, or at the permanent office or a branch office of the board of registration commissioners if

he resides in a city of the first class, and register, or change his party affiliation, at an hour of any day that the office of the county clerk or the board of registration commissioners is open for business. The county clerk of every county and the board of registration commissioners of every city of the first class shall cause all registration books or lists to be closed fifty-nine days prior to any primary or general election, and no voter shall be registered or be permitted to change his registration during the period that the books are closed. The county clerk and board of registration commissioners shall not again reopen their books for registration of voters or the re-registering or changing of party affiliation of voters until ten days after any primary or general election.

(2) In counties containing a city of the third class that is not the county seat, the county clerk shall take the registration books for each voting precinct in the city to the courthouse or city hall of the city and keep them during the period the books are open. Any person possessing the qualifications for registration as a legal voter of any voting precinct in the city may appear before the clerk during the period the books are open at the office or place in the courthouse or city hall of the city where the registration books are taken, at any hour of the day the office or place is open for business, and register or change his party affiliation.

(3) Any voter who wishes to change his party affiliation and who does not wish to apply in person may apply to the county clerk, or to the board of registration commissioners if he resides in a city of the first class, by letter or by form which may be provided. The clerk or board shall then mail a notice to the address of the voter appearing on the existing registration records, stating that such application has been made and the particulars thereof, and that the change will be made unless protest is filed at the office of the clerk or the board within ten days from the date of the notice.

If no protest is filed within the ten-day period, the county clerk or the board shall change the party affiliation of the voter as requested. If a protest is filed, the change shall not be made until the clerk or the board has investigated the matter and given the protesting voter an opportuninty to be heard. The date on which the change is made shall be noted on the voter's registration record. No change of party affiliation shall be made except on those days when registrations are allowed under sub-section (1) of this section.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 117.100, and section two of this Act shall be substituted in place of KRS 117.050, and shall thereafter be treated as amendments to KRS 117.100 and 117.050 rather than amendments to sections 1486bb-10 and 1496-14 of Carroll's Statutes, and the number "KRS 117.050" shall be substituted for the number "section 1496-14" in the last sentence of subsection (1) of section one of this Act.

By Mr. L. D. Moore.

H. B. 101. An Act relating to the time for holding the sessions of Circuit Court in the 34th Judicial District.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 965-34 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

Thirty-fourth District. Knox County, at Barbourville,

beginning on the first Monday in February, twenty-four juridical days; beginning on the third Monday in April eighteen juridical days; beginning on the third Monday in June, eighteen juridical days; beginning on the first Monday in November, twenty-four juridical days.

McCreary County, at Whiteley City, beginning on the first Monday in March, twelve juridical days; beginning on the second Monday in May, twelve juridical days; beginning on the fourth Monday in August, eighteen juridical days; beginning on the first Monday in December, eighteen juridical days.

Whitley County, at Williamsburg, beginning on the first Monday in January, twenty-four juridical days; beginning on the third Monday in March, twenty-four juridical days; beginning on the fourth Monday in May, eighteen juridical days; beginning on the third Monday in September, thirty juridical days.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (34) of KRS 23.050, and thereafter be treated as an amendment to subsection (34) of KRS 23.050 rather than an amendment to § 965-34 of Carroll's Statutes.

§ 3. In order that no term of court as now fixed by law be interfered with while court is in session and so it may be known in advance when this Act shall be in effect, this Act shall not take effect until the first day of August, 1942.

By Mr. L. D. Moore.

H. B. 102. An Act relating to Old Age Assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 3 of Chapter 159 of the Acts of 1940 is amended to read as follows:

The amount of Old Age Assistance which shall be granted to any needy aged shall be determined with due regard to the personal resources and personal requirements of the individual and the conditions existing in each case and shall be sufficient, when added to all other personal income and self-support available to the needy aged, to provide the needy aged with a reasonable subsistence compatible with health and decency. Such old age assistance shall not exceed thirty dollars for any month, nor shall it be less than twenty dollars for any month.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 205.030, and thereafter be treated as an amendment to KRS 205.030 rather than an amendment to 1940, c. 159, § 3.

By Mr. Wilson.

H. B. 103. An Act to amend and re-enact section two thousand and ninety-seven, Kentucky Statutes, Carroll's one thousand nine hundred and thirty-six edition relating to marriages which are prohibited and declared void.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section two thousand and ninety-seven Carroll's Kentucky Statutes one thousand nine hundred and thirty-six Edition be amended and re-enacted by striking out the words, "male is under sixteen," and inserting in lieu thereof the words, "male is under eighteen," and also by striking out the words, "female is under fourteen," and inserting in lieu thereof the words, "female is under sixteen," and subsection five of said Section so that the said Section and Subsection when amended and re-enacted shall read as follows: Marriage is prohibited and declared void:

1. With an idiot or lunatic.

2. Between a white person and a negro or mulatto.

3. Where there is a husband or wife living, from whom the person marrying has not been divorced.

4. When not solemnized or contracted in the presence of an authorized person or society.

5. When at the time of marriage, the male is under eighteen, or the female is under sixteen years of age.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 402.020, and thereafter be treated as an amendment to KRS 402.020 rather than an amendment to § 2097 of Carroll's Statutes.

By Mr. Cox:

H. B. 104. An Act amending charters of cities of the fourth class may provide for the creation of a civil service commission, prescribing its duties and declaring the qualifications of its members, providing for examinations of all applicants for positions as members of the police and fire department in such cities; providing for the appointment and dis-

missal of policemen and firemen and providing for appeal to the Circuit Court and Court of Appeals; providing for the creation of a Board of Trustees of a pension fund for policemen and firemen and prescribing the duties of such boards; providing for the establishment and maintenance of a pension fund; and providing for appropriations and stipulating a limitation therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. Definitions as used in this Act, the following words and terms shall have the following meaning:

(A) *Regular Police Department.* For the purpose of this Act, a regular police department is defined as one having a fixed headquarters, where police equipment is maintained and where policeman or policemen are in constant and uninterrupted attendance to receive and answer police calls, and execute regular patrol duties.

(B) *Regular Fire Department.* For the purpose of this Act, a regular fire department is defined as one having a fixed headquarters where fire fighting apparatus and equipment is maintained, and where a fireman or firemen are in constant and uninterrupted attendance to receive and answer fire alarms.

(C) *Legislative Body.* Whenever in this Act the term "Body" or "Legislative Body" is employed, it shall be construed to mean the legislative branch of the city government.

(D) *Commissions.* The word "Commission," shall mean the board of Civil Service Commissioners, as established under the terms of this Act.

(E) *Trustees.* The word "Trustees" shall mean the "Board of Pension Fund Trustees", as established under the terms of this Act.

(F) *Pension Fund.* The term "Pension Fund", shall mean the monies derived from the policeman or policemen and fireman or firemen's salary or "salaries", and appropriations by the "Legislative Body", or any other sums derived from whatever source by gifts or otherwise to be used for the retirement of Policeman or Policemen and Fireman or Firemen after the prescribed number of years of service and for the benefit of disabled policeman or policemen and fireman or firemen, and for the benefit of widows and dependent children or dependent fathers or mothers in the case of death of a policeman or fireman, within the scope of his employment, according to the terms of this Act.

Section II. Creation of the Civil Service Commission.

That any city of the fourth class which has now, or in which there may be hereafter establish a regular police or fire department, in the future, may by ordinance create a Civil Service Commission, whose duties shall be to hold examinations as to the qualifications of applicants for employment within the police or fire departments.

Section III. Qualifications of applicants for policemen and Firemen.

The Commission shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications to fill the office of policeman or fireman, and as to their knowledge of the English language, and as to the law and rules governing the duties of policemen and firemen. Every member of the police or fire department shall be a qualified voter of the city in which appointed, and shall be able to read and write and understand

the English language, and to have such other general qualifications as may be prescribed.

No person shall be appointed a member of the police or fire departments, unless he is well known to be a man of sobriety and integrity, and has been and is an orderly, law-abiding citizen, nor shall any person be appointed as a member of said police or fire department on account of any political, partisan service rendered by him or on account of politcal sentiments or affiliations, or who is under 21 years of age or over forty, unless the applicant has had as much as five years' experience as a regular policeman or fireman and is not over fifty-five (55) years of age. No member of the police or fire departments shall be removed or discharged or reduced in grade or pay for any political partisan opinion. The appointment and continuance upon the police and fire departments shall depend solely upon the ability and willingness of a person to comply with the rules of the said departments and to perform the duties of said departments. No appointment to or continuance as a member of a police or fire department shall be as a reward for political activity nor be obtained by political services or contributions to campaign funds, nor shall any member of said department pay or collect any assessments made by political organizations, or contribute to political campaign funds, or be unduly active in politics or work for the election of candidates for office. The examination and qualifications provided for in this Act shall not apply to the members of the regular police and fire departments at this time, who have been continuously in the service for a period of three (3) years. Members of police and fire departments otherwise qualified under this law shall hold their positions during good behavior, provided, however, that the provisions of this Act shall not prevent the said city Legislative Body from increasing or decreasing the number of policemen or firemen, as may be deemed proper from time to time, and providing further that in the event the said city

Legislative Body decreases the number of policemen or firemen, the youngest member in point of service shall be the first to be reduced and returned to the elegible list and to advance according to the rules and regulations of said department.

Section IV. Personnel of the Commission.

The Mayor, by and with the approval of the Legislative Body, shall appoint three citizens, who have been taxpayers and voters of the city for five (5) years previous to their appointment, and who shall not be less than thirty (30) years of age, who shall constitute the Civil Service Commission of said city. Such appointees shall originally be appointed for one year, two years, and three years, respectively, and the successors of such appointees shall be appointed in like manner, each for a period of three years. Any member of the Civil Service Commission shall be eligible for reappointment. Vacancies shall be filled in the same manner as appointments of said commissioners are made, providing that any person appointed to fill a vacancy shall serve only to the end of the term of the commissioner whose office was vacated. Said commissioner shall elect one of their members as Chairman and one as Secretary of the Civil Service Commission. Each of said commissioners shall qualify by taking the oath as prescribed by the Constitution of Kentucky.

Section V. Powers and duties of the Civil Service Commission.

Said Civil Service Commission shall conduct an examination of person for appointment as members of the police and fire departments each time a vacancy shall occur in said departments. The Mayor shall notify the commissioners each time a vacancy occurs in either of said departments and said commissioners shall within the two weeks following the receipt of such notice hold an examination for persons seeking appointment to such vacancy after giving notice at least

five days prior to the holding of such examination in some newspaper of general circulation in the city. Within one week following the holding of said examination, said commissioners shall certify to the Legislative Body the names of three persons receiving the highest grades. The Legislative Body may appoint any one of said three persons to said department. Providing, however, that in the event a vacancy thereafter occurs in said department, or additions thereto of regular or substitute policemen or firemen are made, within one year following the certification of said names, the Legislative Body shall fill said vacancy or make such additions from the list of names certified. The commissioners shall make all rules and regulations for the proper conduct of their office. The Civil Service Commissioners shall receive a salary each of one dollar ($1.00) per annum, paid out of the city's General Fund, for their services and the expense of holding any one examination by the commissioners after due notice by the Mayor has been given to the Chairman of the said Commission that a vacancy occurs in either of said departments and after the eligible list has been exhausted, shall be paid by the Legislative Body out of the city's General Fund, not to exceed ten dollars ($10.00).

Section VI. Removal of Policemen or Firemen.

No member of the police or fire departments shall be removed from the department or reduced in grade upon any reason except inefficiency, misconduct, insubordination or violation of law, or violation of the rules adopted for the departments. Any person may prefer charges against a member of the police or fire departments, which must be filed in the office of the Mayor, who shall, thereupon communicate said charge without delay to the Legislative Body. Said charges must be written, signed by the person making such charges and must set out with clearness and distinctness each and every charge. It shall be the duty of the Mayor and each

member of the Legislative Body, whenever probable cause appears, to prefer charges against any member of the police or fire departments, whom, he or she believes to have been guilty of any conduct justifying his removal or punishment in the interest of public order. The charges thus shall be written and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all said charges shall be considered traversed, and put in issue, and the trial shall be confined to matters related to the issue so presented. All charges against members of the police or fire departments shall be filed with the Clerk of the Legislative Body, and within three days after said filing, the Legislative Body shall proceed to hear and examine said charges; provided two days before said hearing the member of the police or fire departments, accused, has been served with a copy of said charges, and a statement of the day, place and hour at which and when the hearing of said charges shall begin. The person accused may, however, in writing, waive the services of said charges, and demand trial within three days after said charges are filed with the Clerk of said Legislative Body. The Legislative Body will have the power to summon and compel the attendance of witnesses at all hearings or sittings, by said body upon subpoena issued by the Clerk of said body, and served upon said witnesses by any officer authorized to serve subpoenas from any court of justice in the county, and said body shall have the power of a Justice of the Peace, to punish for contempt. The member of the police or fire department, the accused, shall have the right to have subpoenaed, in his behalf, any witness he may desire, upon furnishing their names to the clerk of said body, and the action and decision of said body on said charges shall be reduced to writing and shall be entered in a book to be kept for that purpose by the clerk of said Legislative Body, and the written charges filed in this matter shall be preserved and securely attached to the book containing the Legislative Body's decisions.

In cases where the Mayor or Chief has probable cause to believe that a member of the police or fire department has been guilty of any conduct justifying removal or punishment, he may suspend said member from duty, or from both pay and duty, pending said trial, and said member shall not be placed on duty or allowed pay thereafter until the charges are heard by the Legislative Body. The said Body shall fix punishment against a member of the police or fire departments found guilty of any charge under this Act, by reprimand or suspension for any length of time in their judgment, not to exceed six months or by reducing the grade, if the accused be Chief or other officer, or by combining any two or more of said punishments, or by removal or dismissal from the service of any such member of the police or fire department. No member of the police or fire department except as provided in this Act shall be reprimanded, removed, suspended, or dismissed from the department until written charges have been made, or preferred against him, and a trial had as herein provided.

Section VII. Appeal to Circuit Court and Court of Appeals.

Any member of the police or fire departments who shall be found guilty by the legislative body of any charge as hereinbefore provided, shall have the right to appeal to the Circuit Court of the County in which said city may be located, provided the punishment be a suspension of more than thirty days, or a reduction in grade or a removal or dismissal from the police or fire department, but the enforcement of the judgment of said body under such charges shall not be suspended pending said appeal. Upon the request of the party accused, the Clerk of said body shall file a certified copy of the charges made and the judgment or the findings of the said body in the Circuit Court; which transcript, having been filed, the cause shall be docketed in the Circuit Court and tried de novo, by the Judge of said court. Should the Clerk of said body fail to certify and transmit the transcript afore-

said to the Circuit Court within five days after the request is made for same, then the party aggrieved may file an affidavit in the said Circuit Court, setting out as fully as possible the charges made, the time of trial by said court and the judgment of said body, together with the statements of the facts that the demand for transcript had been made upon the clerk of said body more than five days before the filing of said affidavit.

Upon the filing of said affidavit in the Circuit Court, said cause shall be docketed in said court and the Circuit Court is hereby authorized to compel the filing of said transcript by said clerk by entering the proper mandatory orders, and by fine and imprisonment, as in cases of contempt. Such appeal shall have precedence over other business and be taken up and determined speedily. An appeal will lie from the judgment of the Circuit Court to the Court of Appeals, as in other cases, provided the punishment fixed by the body be suspension for more than sixty days, reduction in grade, or removal or dismissal from the department.

Section VIII. Board of Trustees of Pension Fund.

There shall be organized in connection with said police and fire departments a board to be known as the Board of Trustees of the Policemen's and Firemen's Pension Fund, which shall be composed of the Mayor of the City, City Treasurer, Police Chief and Fire Chief, and one member of the City Council or City Commissioner appointed by the Mayor of said city, and said Trustees shall select from their number a president and secretary. The City Treasurer shall be ex-officio Treasurer of said board and custodian of its funds.

Section IX. Appropriations, Service Records, Gifts of Monies, Fees, Rewards and Investment of Funds.

The Legislative Body may appropriate out of the General Fund of the said city, each month an amount equal to the monthly amount paid into said fund by the Policemen's and Firemen's salaries as a fund for the pensioning of any Police-

man or Fireman who has served in the police or fire departments for at least a period of twenty years or more, providing the applicant has reached his 51st birthday, and all members of the police and fire departments shall be entitled to be credited with the service rendered continuously prior to the adoption ordinances of this Act, by said city, to the eligibility of the twenty year or more, period for pension, not less than three years nor to exceed fifteen years of previous service, and for the further purpose of pensioning any member of the police or fire department who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under the age of fourteen (14) years of age, or either of them, of any member of the said departments who may lose his life while in the service and on active duty, and all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any member of either of said departments shall be paid into the treasury to the credit of the policemen's and firemen's pension fund. The payment so made, together with the appropriation shall constitute and be kept as a fund to be called the Policemen's and Firemen's Pension Fund, and the said Board of Trustees of the Policemen's and Firemen's Pension Fund is hereby declared to be the Trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

Section X. Powers of the Board of Trustees—Assessment of Policemen and Firemen.

Said Board of Trustees of the Policemen's and Firemen's Pension Fund shall have the exclusive control and management of the said fund and all monies donated, paid or assessed for the relief or for pensioning retired, crippled or disabled members of the police or fire departments or the

widows and dependent children under the age of fourteen (14) years or dependent fathers or mothers of any members of the departments killed in the service, while on duty, and shall assess each member of the police and fire departments not exceeding three and one-half (3½) per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the Treasurer of each city to the credit of such fund, subject to the order of such Board.

Section XI. Board of Trustees; Rules and Regulations.

The said Board of Trustees of the Policemen's and Firemen's Pension Fund shall have all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this Act, and its decision of such applications shall be final and conclusive, and not subject to revisions or reversal, except by said Board, and a record shall be kept of all meetings and the proceedings of said Board.

Section XII. Character of Investments of Pension Fund.

The said Board of Trustees of Policemen's and Firemen's Pension Fund shall have the power to draw such pension fund from the Treasury and may invest the same, or any part thereof, in the name of the Board of Trustees of the Policemen's and Firemen's Pension Fund, in interest-bearing bonds of the United States or the state of Kentucky, or any county or city of the first, second, third or fourth class in the state of Kentucky, or in any securities in which trustees, or guardians are permitted to invest, trust or guardianship funds under the laws of this state, and all such securities shall be deposited with the Treasurer of said city, as ex-officio Treasurer of said Board and shall be subject to the order of said Board.

Section XIII. Both Principal and Interest Apply.

Both the principal and interest of said pension fund shall be applicable to the payment of pensions under this Act.

Section XIV. Pension for Disabled Policemen and Firemen; Dependents; Amounts.

If any member of the police or Fire Departments, while in the performance of his duty, becomes temporarily, totally disabled, physically or mentally for services by reason of service in such departments, the Board of Trustees shall order the payment to such disabled member, monthly during such disability, not to exceed one year, from such pension fund not exceeding sixty dollars ($60.00) per month, the said amount to be determined by the Board of Trustees, provided such member, during the same period, is paid no salary as such member. If any member of the Police or Fire Departments, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in either of said departments so as to render necessary his retirement from service in either of said departments, said Board of Trustees shall retire such disabled member from service in either of said departments, provided no such retirement on account of disability shall occur, unless said member has contracted said disability while on duty in the service of said police or fire department, and upon such retirement, the Board of Trustees shall order the payment to such disabled member of such police or fire department, monthly, from such Pension Fund, a sum equal to one-half of the monthly salary such member was receiving at the date of his retirement, providing such member has had twelve (12) or more years' constant service in either of said departments. Any member of the said police or fire departments who has less than twelve (12) years of constant service in the said department and becomes disabled for service and eligible for retirement under this Act shall receive monthly such sum from such Pension Fund fixed by the Board of said Trustees any amount not to exceed one-half of the amount which such said member of police or fire department was receiving in monthly salary at the date of his retirement. If any member of said police or fire department shall, while in the performance of his duty,

be killed or die as a result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall die from any cause whatsoever as a result of his services in either of said departments, and while in said service, or after having served continuously for twelve (12) years, shall die while in the service or on the retired list from any cause, and shall leave a widow or child or children under the age of fourteen (14) years, said Board of Trustees shall direct the payment from said Pension Fund, monthly, to such widow, while unmarried, the sum of thirty dollars ($30.00) and for each child until it reaches the age of fourteen (14) years, six dollars ($6.00), and to the dependent father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars ($30.00), and if the mother be dead, the father shall receive the entire thirty dollars ($30.00); and if both be living, each shall receive fifteen dollars ($15.00).

Section XV. Payments when Funds Insufficient.

If at any time there shall not be sufficient money in such Pension Fund to pay each person entitled to the benefit thereof, the amount per month as here provided, then an equal percentage of each monthly payments shall be made to each beneficiary until the said fund shall be replenished to warrant the payment in full to each of said beneficiaries.

Section XVI. Amount of Pension After Twenty Years Service.

Any member of the Police and Fire Departments of such cities having served twenty (20) years or more and has reached his 51st birthday in such police or fire departments, and if his application to be relieved from such police or fire departments is granted, the said Board of Trustees shall order and direct that such person be paid monthly pension equal to one-half of the amount of the salary said person is or was in receipt of as a member of said department at the time of granting application.

Section XVII. Funeral Expense Benefit.

Whenever an active or retired policeman or fireman dies from any cause, the Board of Trustees shall appropriate from the Pension Fund, a sum not exceeding one hundred dollars ($100.00), made payable to the widow or family for funeral expenses.

Section XVIII. Pension Limitations.

No person shall be entitled to receive any pension from the said Pension Fund under this Act, except a regularly retired member or a regular member in the said Police or Fire Department, his widow or children under the age of (14) years, or dependent mother or father.

Section XIX. Treasurer to Furnish Bond.

The Treasurer of the Board of Trustees of the Policemen's and Firemen's Pension Fund shall be the custodian of said Pension Fund and shall securely and safely keep the same, subject to the control and direction of said Board, and shall keep his or her books and accounts concerning such fund in such manner as may be prescribed by the Board and the said books and accounts shall always be subject to the inspection of the Board, or any member thereof. The Treasurer shall, within ten days after his appointment or election execute a bond to the city with good and sufficient surety, in such penal sum as the Legislative Body shall direct, to be approved by the Legislative Body of said city, conditioned for the faithful performance of the duties of his or her office, and that he or she will safely keep and will and truthfully account for all money and properties which may come into his or her hands as such Treasurer; and that, upon the expiration of his or her term of office, he or she will surrender and deliver to his or her successor all bonds, securities, and all unexpended monies or other properties which may have come into his or her hands as Treasurer of said fund. Said bond shall be filed in the office of the City Clerk, as other bonds, and may be sued on in the name of the said city, for the use of said Board of Trustees, or in the name of the Board of Trustees, or any

person or persons injured by a breach thereof. The premium on said bond shall be paid out of said pension fund in the manner under this Act for expending sums.

Section XX. Warrants to issue for Sums Due Pension Fund.

It shall be the duty of such officer or officers of the said city as are designated by law to draw warrants on the treasurer of said city, on request in writing by said Board of Trustees, payable to the Treasurer of said Board of Trustees for all funds belonging to said Pension Fund as aforesaid.

Section XXI. Warrants; How Signed.

All monies ordered to be paid from said pension fund to any person or persons, shall be paid by the Treasurer of the Board of Trustees only upon warrants signed by the President of said Board and countersigned by the Secretary thereof, and no warrant shall be drawn except by order of the Board, after having been duly entered on the records of the proceedings of the Board of Trustees.

Section XXII. Report of Board of Trustees.

The Board of Trustees of the Policemen's and Firemen's Pension Fund, shall, make a report in writing, signed by the President and Secretary of said Board, to the Legislative Body of said city of the condition of said Pension Fund on the first meeting in September of the Legislative Body of said city in each and every year.

Section XXIII. Pension Not Subject to Attachment.

No portion of said Pension Fund shall, before or after its order for distribution by the Board of Trustees to the persons entitled thereto, be held, seized, taken, subjected to or detained or levied upon by virtue of any attachments, execution, injunction, writ, interlocutory, or other order, or decree, or any process or proceeding whatever issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary of said fund, but said fund

shall be held and distributed for the purpose of this Act, and for no other purpose whatever.

Section XXIV. City Attorneys; Duties.

It shall be the duty of the attorneys for the said cities, to give advice to the Board of Trustees of the Policemen's and Firemen's Pension Fund in all matters pertaining to their duties and management of said fund whenever requested, and he shall represent and defend said Board as its attorney in all suits or actions at law, or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said Board.

Section XXV. Adoption Ordinance; How Repealed, And Dissolvement of Pension Fund in the Treasury at time of Adoption Ordinance Repeal Under this Act.

In the event that provisions of this Act are accepted and adopted by the Legislative Body of a city of the fourth class by ordinance, as herein provided, the repeal of such ordinance shall not become effective unless adopted by the unanimous vote of the duly elected members of such Legislative Body. If, in the event a repeal ordinance is adopted by such Legislative Body, all monies or property belonging to the Policemen's and Firemen's Pension Fund at the time of the repeal of the said Adoption Ordinance, shall be dissolved or liquidated by the Board of Trustees of said Policemen's and Firemen's Pension Fund and distributed by said Board in the following manner:

Within sixty (60) days of adoption by said Legislative Body of said repeal ordinance, the said Board of Trustees shall proceed with the liquidation of said Pension Fund as follows: All unexpended monies appropriated to said Pension Fund out of the said City's General Fund to the Policemen's and Firemen's Pension Fund by the said Legislative Body of such city and at the time of adoption of a repeal ardinance shall revert back to the City's General Fund. All other unexpended monies or property which has come into the said Pension Fund's hands shall be liquidated by said

Board of Trustees in the following manner: All unexpended monies in the said Pension Fund which accumulated therto by assessments from Policemen's and Firemen's salaries and gifts as accumulated thereto in any manner, except appropriations from the said City's General Fund shall revert back to the active or retired members of the said Policemen and Firemen and dependents who have qualified under this Act in such city. In the division to the beneficiaries, the Board of Trustees shall use in the division of said fund the percentum of the present salaries of such members. After all disbursements have been made of said fund by the Board of Trustees, the said Board of Trustees shall file, as their last act, a complete report of same with said Legislative Body within thirty days, and such report shall be kept in the office of the City Clerk as other city records.

Section XXVI. Voluntary Retirement.

No policeman or fireman shall be entitled to the benefits herein provided incidental to voluntary retirement from either of said departments on account of service, unless he shall have been employed continuously for a period of at least five (5) years from and after the date of the passage of the adoption ordinance by the Legislative Body and the amount of such sum paid to such member, shall be fixed by the Board of Trustees payable monthly, not to exceed one-half of salary such member was in receipt of at the time of voluntary retirement. The payments fixed by said Trustee to such member, shall not exceed one (1) year.

Section XXVII.

When the provisions of this Act have been accepted and adopted by the legislative body of any city of the fourth class, §§ 3493 and 3494 of Carroll's Statutes shall not apply to that city.

Section XXVIII.

If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the numbers "KRS

95.700(2), 95.710 and 95.760'' shall be substituted for ''§§ 3493 and 3494'' in section XXVII of this Act.

By Mr. Howell.

H. B. 105. An Act relating to office space for officers and employees of the Department of Welfare, Division of Old Age Assistance.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION ONE: That the Fiscal Courts of each county of this Commonwealth shall furnish to the officers and employees of the Department of Welfare, Division of Old Age Assistance, suitable offices at the county seat for all officers and employees of the Department of Welfare, Division of Old Age Assistance. Said offices shall be furnished at the expense of the county in which said offices are located.

By Mr. Ray Stephenson.

H. B. 106. An Act regulating the sale or offer to sell or advertisement by any writing, printing, speech or performance by a hawker, peddler, itinerant vendor or house to house canvasser, or itinerant medical company, of any drugs, devices, nostrums or instruments of any kind intended for the treatment of any disease or injury; requiring a permit or license from the State Board of Health therefor upon terms set out herein, and requiring fees for said permits and licenses; vesting power in the State Board of Health to refuse, revoke or suspend any permit; providing that fees be paid to the State Treasury and used for the administration and enforcement of this Act; and providing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. From and after January 1, 1943, no person shall sell, offer for sale, vend or distribute as a hawker, peddler, itinerant vendor or house to house canvasser, any drugs, devices, nostrums or instruments of any kind, intended for the treatment of any disease or injury, or by any writing, printing, speech or performance profess to the public to treat disease or deformity by the use of any drug, nostrum or instrument without obtaining a permit from the State Board of Health, which permit shall cover only such drugs, devices, nostrums or instruments as the Board may from time to time designate. Such permit is not transferable and does not exempt the vendor or manufacturer of a drug or device from compliance with the requirements of any other law of this state.

§ 2. Each application for a permit and each application for a renewal thereof shall be accompanied by a fee of one hundred dollars. A permit issued by the Board shall cover only the products designated in the permit. Each application must be accompanied by the following information: Name and permanent address of vendor; name and address of manufacturer of the drug, device, nostrum or instrument for which the permit to sell is desired; complete label and labeling, formula and ingredients of any drug or nostrum; complete drawings of any device or instrument; a statement as to method of sale; copies of all advertising material and cards; a copy of a typical advertising talk given by the vendor in making sale or distributing advertising to promote sale; and such other information as the Board may require. Application for renewal must be accompanied by all required information.

§ 3. All permits shall expire on December 31 following the date of issue and shall be renewed annually. Application blanks shall be obtained from the State Board of Health.

§ 4. The Board may after due notice and hearing as provided under the statutes relating to the refusal, suspension or revocation of certificate to practice medicine, refuse, revoke or suspend any such permit in its entirety or as it applies to a specific product, when the Board finds that the permit was obtained, or that the operations for which it was issued or is applied for, are not being conducted or will not be conducted according to the law but are being so conducted as to endanger the public health.

§ 5. No itinerant medical company of two or more persons shall travel as a troupe or company as vendors of any drug, nostrum or instrument intended for the treatment of any disease or injury, or by any writing or printing profess to the public to treat disease or deformity by the use of any drug, nostrum or instrument without first obtaining a license from the board. The fee for such license shall be one hundred dollars per month. The board shall issue license to reputable and worthy applicants upon payment of the fee each month, but may for sufficient cause refuse to issue such license.

§ 6. All fees collected under this Act shall be paid into the State Treasury and kept as a separate fund and used for paying the expenses of the administration and enforcement of this Act, and shall be accounted for as required by law for other funds and expenses of the Board.

§ 7. Any person who violates any of the provisions of this Act shall be fined not less than fifty dollars for the first offense and upon each subsequent conviction shall be fined one hundred dollars, and each day the violation continues shall constitute a separate and distinct offense.

§ 8. Section 2615-3 of Carroll's Kentucky Statutes, 1936 edition, is repealed.

§ 9. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 311.250 and subsection (3) of KRS 311.990, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Simpson.

H. B. 107. An Act relating to limitation of actions, and providing that actions instituted to foreclose liens created to secure street improvement bonds shall be brought within five years from the maturity date of the bond or bonds on which the action is instituted, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Actions to foreclose liens created to secure street improvement bonds issued pursuant to the provisions of §§ 3458, 3459, 3575, 3577, 3643-5, 3643-6, 3643-7, 3643-9, and 3706 of Carroll's Kentucky Statutes, 1936 Edition, and §§ 2741e-12 to 2741e-23 of Baldwin's 1939 Supplement to Carroll's Kentucky Statutes, must be brought within five years from the maturity date of such bonds.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the numbers "KRS 94.330, 94.350, 94.380, 94.450, 94.460, 94.470, 94.480, 94.490, 94.620, 94.630, 94.640 and 94.650" shall be substituted for the words and figures "§§ 3458, 3459, 3575, 3577, 3643-5, 3643-6, 3643-7, 3643-9 and 3706 of Carroll's Kentucky Statutes, 1936 Edition, and §§ 2741e-12 to 2741e-23 of Baldwin's 1939 Supplement to Carroll's Kentucky Statutes," in section one of this Act.

§ 3. WHEREAS, a number of municipalities in Kentucky which issued street improvement bonds pursuant to the provisions of the Statutes hereinabove referred to have failed to keep sufficient records to enable bondholders to ascertain the amount paid or date of payments made by the respecting abutting property owners, and

WHEREAS, a number of the bondholders are nonresidents to whom books and records are inaccessible, and

WHEREAS, a state of confusion exists as to the liability of the various abutting property owners resulting in a multiplicity of suits to determine such liability an emergency is declared to exist and this Act shall become effective upon its passage and approval by the Governor, and the provisions shall determine the period of limitations in all actions to foreclose such liens which are now pending.

By Mr. Ennis.

H. B. 108. An Act authorizing counties to turn over certain books and documents to Western Kentucky State Teachers College.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The county officers of this Commonwealth are authorized to turn over to the Kentucky Library of the Western Kentucky State Teachers College at Bowling Green, Kentucky, old books or documents in their offices, suitable for preservation as archives of the State, but no longer of use or value to the counties, that they may be properly arranged, catalogued and preserved for future generations of Kentuckians. No books or documents of any county shall be turned over to said Kentucky Library except upon the order of the fiscal court of such county.

By Mr. Ennis.

H. B. 109. An Act relating to game and fish and providing that disabled veterans may be issued free hunting and fishing licenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

All veterans of the armed forces of the United States who have served ninety days or more in time of war, and have been honorably discharged from said armed forces, and are now disabled and residents of this state, shall, upon application to any county clerk of this state, and presenting a certificate of disability, be granted a resident's fishing license and a state-wide hunting license without paying any fee for such license or licenses.

By Mr. Wilson.

H. B. 110. An Act providing a sinking fund for building purposes in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION. 1. In addition to other taxes now levied, each city of the second class shall levy annually such tax of not less than one cent nor more than five cents, on each one hundred dollars' valuation of property assessed by the city, as shall be requested by the board of education of the independent school district embracing the city, at the same time the regular tax rate is fixed by the board of education, to provide a fund for the board of education for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof, and for the major alteration and enlargement of existing buildings and the complete equipping thereof. In addition to, or in lieu of, the above special tax, the board of education of any city of the second class may pay into this special fund, from time to time, all or any part of the receipts from the sale of land or property no longer needed for school purposes, and may from time to time pay into this special fund all or any part of any balances remaining in the general fund at the end of any fiscal year, over and above the amount necessary for dis-

charging obligations for the fiscal year in full. Any additional tax levied under this section shall come within the present permissible maximum school tax levy of school districts embracing cities of the second class, and within such permissible maximum school tax levies as the General Assembly may hereafter determine.

SECTION 2. The proceeds from the tax levied pursuant to section 1 of this Act shall be paid over to the board of education, and may be accumulated over a period of years. Such proceeds shall be kept in a separate account designated as "School Building Fund," and shall be used only for the purposes enumerated in Section 1 of this Act, and at such times as the board shall determine.

SECTION 3. The school building fund shall be kept in the selected depository of the board, or invested in bonds of the United States Government, of the Commonwealth of Kentucky, or of cities of the second class. Such bonds may be sold by the board when necessary to provide cash for the building fund.

SECTION 4. All expenditures from the building fund for the purchase of sites, for the erection of school buildings and the equipping thereof, or the alteration or enlargement and equipping thereof, shall be made in accordance with the general school laws.

SECTION 5. The board of education shall cause to be made annually an audit of the building fund by a certified public accountant.

By Mr. Royster.

H. B. 111. An Act prohibiting the acceptance of donations from state officers or employees for political purposes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No officer or employee of this state shall accept a donation of any kind from any other state officer or employee for political purposes.

§ 2. Any person who violates section one of this Act shall be guilty of a felony and fined not less than one hundred dollars nor more than one thousand dollars and confined in the penitentiary for not less than one nor more than ten years.

By Mr. Howell.

H. B. 112. An Act to amend Chapter 28 of the 1938 Acts of the General Assembly of the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Chapter 28 of the 1938 Acts of the General Assembly of Kentucky be amended to read as follows:

In all counties of this Commonwealth containing cities of the third or fourth class or fifth class, or a county containing a part of a third class city, or having a population of fifty thousand people or over there is hereby created, subject to the discretion of the Fiscal Court or County Commissioners of said county the office of stenographer or clerk to the County Attorney. Said stenographer or clerk shall be appointed by

the County Attorney for a term of four years but may be removed at any time by the said County Attorney.

Said stenographer shall receive a salary of not less than six hundred dollars nor more than one thousand five hundred dollars per annum, to be fixed by the Fiscal Court of such county, and shall be payable out of the county levy of said county in equal monthly installments. This section does not apply to counties containing a city of the first or second class.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as amending KRS 69.340.

By Mr. Fields.

H. B. 113. An Act relating to teacher's certificates.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any teacher who has taught school in Kentucky for twenty years or more and who was teaching in this state in 1935 or any year thereafter is entitled to a certificate permitting him or her to teach in the elementary schools of this state for life.

By Mr. Curd.

H. B. 114. An Act relating to horse racing.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. No person, firm or corporation shall conduct, manage or promote horseracing at a time when the United States of America is engaged in war.

§ 2. Any person, firm or corporation who violates section one of this Act shall be fined not more than one thousand dollars; and each and every horse race shall be a separate offense.

§ 3. The operation and effect of sections 1326, 1327, 1328, 3990a-1 to 3990a-5, and 4618-145 of Carroll's Kentucky Statutes and Baldwin's Kentucky Statutes Service, shall stand suspended during the time when the United States of America is at war.

§ 4. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section three of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

"The operation and effect of KRS 230.010 to 230.090 and 230.990 (1) to (3) shall stand suspended during the time when the United States of America is at war.

§ 5. The present State Racing Commission is abolished and upon the termination of the present war the Governor shall appoint another Commission under the statutes suspended by this Act.

§ 6. Due to the fact that the United States is at present engaged in war, an emergency is hereby declared to exist and this Act shall take effect immediately after its passage.

By Mr. Simpson.

H. B. 115. An Act relating to divorce and alimony.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 900 of Carroll's Kentucky Statutes, 1936 Edition, is amended to read as follows: In actions for alimony and divorce, the husband shall pay the costs of each party, unless it shall be made to appear in the action the wife is in fault.

Section 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 453.120, and thereafter be treated as an amendment to KRS 453.120 rather than an amendment to section 900.

By Mr. Crowe.

H. B. 116. An Act relating to the cutting and removing of brush, shrubs, weeds and overhanging branches upon and overhanging right of ways of state or county roads.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 4342a-1 to 4342a-4 of Carroll's Kentucky Statutes, 1936 edition, are repealed.

§ 2. (1) All trees, shrubs, bushes, weeds and overhanging limbs of trees upon or along state or county roads of this state are under the direct supervision of the Department of Highways and the fiscal courts and the cutting, trimming and

other care of said trees, shrubs and other flora and the right to plant trees, shrubs and other flora on said right of ways shall be under the direct supervision of the Department of Highways or the fiscal courts of the several counties of this state. The Department of Highways of the Commonwealth of Kentucky shall have exclusive supervision of all state maintained roads and the fiscal courts of the several counties shall have direct and exclusive supervision of all county roads in this respect. No person shall cut or trim any tree, shrub, flora or other plant on said right of ways of any state or county road or to trim any overhanging branches along or abutting said state or county road without first obtaining a permit in writing from the Department of Highways on state maintained roads and from the fiscal court of the county on county maintained roads.

§ 3. Any person who violates section two of this Act shall be fined not less than twenty dollars nor more than fifty dollars.

§ 4. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall be treated as repealing KRS 179.220 to 179.240 and subsections (5) and (6) of KRS 179.990, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Morlidge.

H. B. 117. An Act authorizing and empowering cities to acquire, erect, maintain and operate a system of parking meters or other similar mechanical devices to regulate and limit vehicular parking on the streets and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The governing body of any city may enact ordinances providing for the acquisition, establishment, erection, maintenance and operation of a system of parking meters or other similar mechanical devices to regulate and control vehicular traffic in the city, said meters or devices requiring a reasonable deposit, not in excess of the rate of five cents per hour, from those who park vehicles for stipulated periods of time in certain areas in the city in which the congestion of vehicular traffic is such that public convenience and safety require such regulation.

Section 2. The proceeds derived from the use of such parking meters or other similar mechanical devices shall be used: First, For the purpose of the acquisition, establishment, erection, maintenance and operation of the system; Second, For the purpose of making the system effective; and Third, For the expenses incurred by and throughout the city in the regulation and limitation of vehicular parking, traffic relating to parking, traffic safety devices, signs, signals, markings, policing, lights, traffic surveys and safety programs.

Section 3. Nothing contained in this Act shall prohibit the governing body of any city from employing any and all other ways and means to regulate and control vehicular parking in the city, either in conjunction with a system of meters or devices or exclusive and independent thereof.

By Mr. Ray Stephenson:

H. B. 118. An Act amending, repealing and re-enacting Section 23 of Carroll's Kentucky Civil Code of Practice, relating to persons who may be made defendants; and providing that the insurer of a motor vehicle may be made a proper party defendant.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Section 23 of Carroll's Kentucky Civil Code of Practice be, and it is hereby, amended, repealed and re-enacted, so that when re-enacted, it shall read as follows:

Any person may be made a defendant who claims an interest in the controversy adverse to the plaintiff, or who is a necessary party to a complete determination of the question involved in the action, and in any action for damages caused by the negligent operation, management or control of a motor vehicle, any insurer of motor vehicles, which has an interest in the outcome of such controversy adverse to the plaintiff or any of the parties to such controversy, or which by its policy of insurance assumes or reserves the right to control the prosecution, defense or settlement of the claim or action of the plaintiff, or any of the parties to such claim or action, or which by its policy agrees to prosecute or defend the action brought by the plaintiff or any of the parties to such action, or agrees to engage counsel to prosecute or defend said action, or agrees to pay the costs of such litigation, is by this section made a proper party defendant in any action brought by plaintiff on account of any claim against the insured.

When any insurer shall be made a party defendant pursuant to this section, and it shall appear at any time before or during the trial that there is or may be a cross issue between the insurer and the insured, or any issue between any other party and the insurer involving the question whether the insurer would be liable if adjustment should be rendered against the insured, the court may, upon motion of any defendant in any such action, cause the person who may be liable upon such cross issue, to be made a party defendant to said action and all the issues involved in said controversy deter-

mined in the trial of said action. Nothing herein contained shall be construed as prohibiting the trial court from directing and conducting first a trial as to whether or not the insured is liable to the plaintiff or other party and directing a separate trial on the issues involving the question whether under its policy the insurer is liable for the payment in whole or in part of any judgment against the insured or the amount of such liability.

By Mr. Ray Stephenson.

H. B. 119. An Act concerning railroads, regulating the operation of trains, engines, motors, locomotive cranes or pile drivers, providing for the number of employees on the same, prescribing penalties, and repealing all laws in conflict therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It shall be unlawful for any common carrier by railroad in the State of Kentucky, to run or permit to be run on any of its lines or any part thereof, outside of yard limits, any freight train, propelled or drawn by steam, electricity, gasoline or other motive power, that has not at least the following named emloyees thereon: One engineer and one fireman for each steam locomotive where such train is propelled or drawn by steam; one engineer or motorman and one assistant to such engineer or motorman, where such train is propelled or drawn by electricity, gasoline or any other form of energy; one conductor, one brakeman and one flagman; and trains operated in mine run switching, work train, and local freight service, in addition to the motive power employees required as above, shall have at least one conductor, two brakemen and one flagman.

Section 2. It shall be unlawful for any person, corporation or common carrier by railroad to operate or permit to be operated on any of its tracks in the State of Kentucky, any locomotive engine or motor used to switch or handle cars, unless said locomotive, engine, or motor is manned with a crew of competent employees consisting of not less than one engineer, or motorman, one fireman, or assistant to such engineer, or motorman, one conductor or foreman and two brakeman or helpers, and where such locomotive, engine, or motor is operated over or upon any highway or street, within the corporate limits of any municipality it shall be manned by a crew of competent employees consisting of not less than one engineer or motorman, one fireman or assistant to such engineer or motorman, one conductor or foreman and three brakemen, or helpers, not to be required to work on more than one engine.

Section 3. It shall be unlawful for any person or persons, corporation or common carrier by railroad, to operate or permit to be operated on any of its tracks, outside of yard limits, in the State of Kentucky, any locomotive, engine, motor locomotive crane, or pile driver, without cars, unless said locomotive, engine, motor, locomotive crane or pile driver, is manned with a crew of competent employees consisting of not less than one engineer or motorman, one fireman or assistant, one conductor or flagman.

Section 4. It shall be unlawful for any common carrier by railroad in the State of Kentucky, to run or permit to be run on any of its lines or any part thereof, outside of yard limits, any passenger, mail or express train, that has not at least the following named employees thereon: One engineer or motorman, one fireman or assistant to such engineer or motorman, one conductor, one brakeman and one flagman; said brakeman and flagman shall not be required to perform the duties of baggage man, express messenger or porter.

Section 5. Nothing in this act shall apply to any railroad whose line or lines are less than fifty miles in length, nor to motor cars used by maintenance of way department signal men, or electric street railways operated in cities or on interburban lines, nor shall this act apply in cases of disability occurring to any member of a crew while on the road between terminals, or to relief or wrecking trains where sufficient men are not available, or in case of engine failure between terminals.

Section 6. Any person or persons, corporation, or common carrier by railroad, operating any railroad in this Commonwealth who shall willfully violate any of the provsions of this act, shall be liable to the Commonwealth for a penalty of not less than one hundred nor more than three hundred dollars or confined in the county jail for not less than thirty nor more than ninety days for each offense, or may be both so fined and imprisoned, and such penalties shall be recovered by action brought by the Attorney General of the Commonwealth at the direction of the State Railroad Commission, in the Circuit Court of Franklin County.

Br. Mr. Wilson.

H. B. 120. An Act concerning the manner of commitment of incompetent veterans of the World War who are beneficiaries of World War Veterans' Act, as amended; and regulating the appointment, defining the duties and governing the actions of guardians and committees for beneficiaries of the World War Veterans' Act, as amended, and the World War Adjusted Compensation Act, as amended; and repealing sections 2043-1 to 2043-20, inclusive, of Carroll's Kentucky Statutes, annotated, Baldwin's 1936 Revision, and any and all laws in conflict herewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I. Definitions.—As used in this Act:

The term "person" includes a partnership or an association.

The term "Veterans Administration" means the Veterans Administration, its predecessors or successors.

The terms "estate" and "income" shall include only moneys received by the guardian or committee from the Veterans Administration, all earnings, interest and profits derived therefrom and all property acquired therewith.

The term "benefits" shall mean all moneys paid or payable by the United States through the Veterans Administration.

The term "Administrator" means the Administrator of Veterans Affairs or his successor.

The term "ward" means a beneficiary of the Veterans Administration.

The term "guardian" as used herein shall mean any person acting as a fiduciary for an incompetent person.

Section I-A. Administrator of Veteran Affairs, Party in Interest.

The Administrator of Veteran Affairs or his successor, is and shall be a party in interest in any proceeding brought under any law of this state for the appointment of a guardian or committee for any minor or mentally incompetent beneficiary or the Veterans Administration on whose account benefits have been paid or are payable by said Veterans Administration, and the said Administrator or his successor is and shall be an interested party in any court proceeding pertaining to or affecting in any manner the administration

of the estate of any such beneficiary on whose account such benefits are payable or whose estate includes assets derived from benefits paid by the Veterans Administration, its predecessor or successor. Written notice shall be given by registered mail, unless waived in writing, to the office of the Veterans Administration having jurisdiction over the area in which the court is located, of the time and place for hearing on any petition or pleading or in connection with any proceeding pertaining to or affecting in any manner the administration of the estate of any such beneficiary of the Veterans Administration. Said notice shall be deposited in the mails not less than fifteen days prior to the date of such hearing or other proceedings.

Section 2. Appointment of guardian or committee.

Whenever, pursuant to any law of the United States or regulation of the Veterans Administration, it is necessary, prior to payment of benefits, that a guardian or committee be appointed for a minor or mentally incompetent beneficiary of the Veterans Administration such appointment shall be made in the manner hereinafter provided.

Section 3. Qualifications; Limitations.—

Except as hereinafter provided, it shall be unlawful for any person to accept appointment as guardian or committee of any minor or mentally incompetent beneficiary of the Veterans Administration if such proposed guardian or committee shall at that time be acting as guardian or committee for five wards. In any case, upon presentation of a petition by an attorney of the Veterans Administration under this section alleging that a guardian or committee is acting in a fiduciary capacity for more than five wards and requesting the discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian or committee and shall discharge such guardian or committee in said case.

The limitations of this section shall not apply where the guardian or committee is a bank or trust company. An individual may be guardian or committee of more than five wards if they are all members of the same family.

Section 4. Appointment of guardian or committee.—

A petition for the appointment of a guardian or committee for any minor or mentally incompetent beneficiary of the Veterans Administration may be filed in the court having jurisdiction by or on behalf of any person who under existing law is entitled to priority of appointment. If there be no person so entitled or if the person so entitled shall neglect or refuse to file such a petition within thirty days after mailing of notice by the Veterans Administration to the last known address of such person indicating the necessity for the same, a petition for such appointment may be filed by or on behalf of any responsible person residing in this state.

The petition for appointment shall set forth the name, age, place of residence of such beneficiary, the name and place of residence of the nearest relative, if known, and the fact that such beneficiary is entitled to receive benefits payable by or through the Veterans Administratnon and shall set forth the amount of moneys then due and the amount of probable future payments.

The petition shall also set forth the name and address of the person or institution, if any, having actual custody of such beneficiary, and the name, age, relationship, if any, occupation and address of the person proposed for appointment as guardian or committee. Notwithstanding any provision of existing law as to priority, the court may appoint a capable individual, bank or trust company, as guardian or committee, if the person entitled to priority fails to apply, or if after hearing the court determines it is for the best interest of such beneficiary to appoint another.

In the case of a mentally incompetent beneficiary, the petition shall show that such beneficiary has been rated incompetent by the Veterans Administration on examination in accordance with the laws and regulations governing the Veterans Administration.

Section 5. Prima facie evidence of necessaty for guardian;—Infant.—

Where a petition is filed for the appointment of a guardian for a minor beneficiary of the Veterans Administration, a certificate of the Administrator of Veterans Affairs, or his authorized representative, accompanying such petition setting forth the age of such minor as shown by the records of the Veterans Administration and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the Veterans Administration, shall be prima facie evidence of the necessity for such appointment.

Section 6. Prima facie evidence of necessity for committees;—incompetent—

Notwithstanding the provisions of existing law for adjudication of incompetency and appointment of a committee upon the inquest of a jury, where a petition is filed for the appointment of a committee for a mentally incompetent beneficiary of the Veterans Administration under the provisions of this Act, who is found within this state, whether or not a resident thereof, a certificate of the Administrator of Veterans Affairs or his duly authorized representative, accompanying such petition setting forth the fact that such beneficiary has been rated incompetent by the Veterans Administration on examination in accordance with the laws and regulations governing such Veterans Administration, and the appointment of a committee is a condition precedent to the payment of any moneys due each beneficiary by the Vet-

erans Administration, shall be prima facie evidence of the necessity for such appointment. Provided, however, that some member of the bar shall be appointed by the court to represent and protect the interests and rights of such incompetent beneficiary as provided under existing law, and further that the right of any such incompetent beneficiary or any person interested in such beneficiary to demand a trial by jury shall not be denied.

Section 7. Notice to be given.—

Upon the filing of a petition for the appointment of a guardian or committee under the provisions of this Act, notice shall be given in like manner as is provided under existing law.

Section 8. Court to approve appointment; guardian or committee to furnish bond.—

Before making an appointment under the provisions of this Act, the court shall be satisfied that the person whose appointment is sought is a fit and proper person to be appointed. Upon the appointment being made, the guardian or committee shall execute and file a bond to be approved by the court in an amount not less than the estimated value of the personal estate and anticipated income during the ensuing year. The said bond shall be in the form and be conditioned as required of guardians and committee appointed under the general guardianship laws of this state. The court shall have power from time to time to require the guardian or committee to file an additional bond.

Where a bond is tendered by a guardian or committee with personal sureties there shall be at least two such sureties and they shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and shall state that they are each worth the sum

named in the bond as the penalty thereof over and above all their debts and liabilities and exclusive of property exempt from execution. Notwithstanding such tender, the court may require additional security or may require a corporate surety bond, the premium thereon to be paid from the ward's estate.

Section 9. Annual Account to be filed with court; hearing—

Every guardian or committee who shall receive on account of his ward any moneys from the Veterans Administration, shall file with the court annually, on the anniversary date of the appointment in addition to such other accounts as may be required by the court, a full, true and accurate account under oath of all moneys so received by him, of all disbursements thereof, and showing the balance thereof in his hands at the date of such account and how invested. The guardian or committee, at the time of filing his account shall exhibit all securtities or investments described therein to an officer of the bank or other depository wherein said securities are held for safe-keeping, or to an authorized representative of the corporation which is surety on his bond, or to the clerk or deputy clerk of a court of record in this state or to any other reputable person designted by the court upon request of the guardian or committee or other interested party, who shall certify in writing that he has examined such securities or investments and identified them with those described in the account; provided, that if such depository is the guardian or committee, such certifying officer shall be an officer other than the officer verifying the account, or the guardian or committee may exhibit such securities or investments to the Judge of the Court who shall endorse on the account and copy thereof a statement that the securities or investments shown therein as on hand were in fact exhibited to him and that those exhibited to him were the same as

those shown in the account. Such certificate, and the certificate of an official of the bank in which is deposited any cash balance showing the amount on deposit shall be filed by the guardian or committee with his account. A certified copy of each such accounts and a signed duplicate of such certificates filed with the court shall be sent by the guardian or committee to the office of the Veterans Administration having jurisdiction over the area in which such court is located. A duplicate signed copy, or certified copy of any petition, motion or other pleadings which is filed in the guardianship proceedings, or in any proceedings for the purpose of removing the disability of minority or of mental incompetency, shall be furnished by the person filing the same, to the office of the Veterans Administration concerned. The court, unless hearing be waived in writing by the Chief Attorney of the Veterans Administration, shall fix a time and place for the hearing on such account, petition, or other pleading, not less than fifteen days nor more than thirty days from the date of filing same unless a different available date be stipulated in writing and written notice of the time and place of such hearing shall be given by the court to the aforesaid Veterans Administration office not less than fifteen days prior to the date fixed for the hearing. Notice of such hearing shall in like manner be given to the guardian or committee and to any other entitled to notice.

The clerk shall mail said Veterans Administration office a copy of each order entered in any guardianship proceeding wherein the Veterans Administration is an interested party.

Section 10. Penalty for failure to file account.—

If any guardian or committee shall fail to file with the court or the Veterans Administration, as required by this Act, any account of the benefits received by him from the Veterans Administration on account of his ward within thirty days after such account is due, or shall fail to furnish the

Veterans Administration a true copy of any account or of any petition or pleading as required by this Act, such failure shall be grounds for removal.

Section 11. Compensation of guardian or committee.—

Compensation payable to guardians or committees shall not exceed five per cent of the income of the ward during any year. In the event of extraordinary services rendered by any guardian or committee, the court may upon petition and after notice to the Veterans Administration and hearing theron, authorize reasonable additional compensation therefor payable from the estate of the ward. Notice of such petition and hearing shall be given to the proper office of the Veterans Administration in the manner provided in Section 9. No commission or compensation shall be allowed on the estate received from a preceding guardian.

Section 12. Investment of funds of estate.—

All funds in possession of such guardian or committee shall be invested in such securities or other property in which the guardian or committee has no interest, as allowed by law which investment shall be first approved by the court; except that investments in direct interest-bearing obligations of the United States Government or of this state shall be permissible without an order of the court.

Section 13. Support of person other than the ward.—

A guardian or committee shall not apply any portion of the estate of his ward for the support and maintenance of any person other than said ward, his minor children and his wife (if she and the ward be living together) except upon petition to and prior order of the court after a hearing, notice of which has been given the proper office of the Veterans Administration in the manner and within the time provided in Section 9.

Section 14. Copy of public record to be certified without charge.—

Whenever a copy of any public record is required by the Veterans Administration to be used in determining the eligibility of any person to participate in benefits made available by such Veterans Administration, the official charged with the custody of such public record shall without charge provide the applicant for such benefits or any person acting on his behalf or the authorized representative of such Veterans Administration with a certified copy of such record.

Section 15. Termination of guardianship.—

Upon filing a petition, or certificate, showing that a minor ward has attained majority, or that an incompetent ward has been rated competent upon examination in accordance with the law, the court may order the guardian or committee to file a final account; and, upon hearing, after notice to the former minor or incompetent and to the Veterans Administration in the manner and within the time provided by Section 9 of this Act, and upon approval of the final account, the court may so adjudge, and discharge the guardian or committee and release the sureties from liability upon delivery to the former ward of the assets due him by the former guardian or committee, and make such further order as may be lawful.

Section 16. Commitment to Veterans Administration or other agency of United States Government.—

Whenever in a proceeding for the trial and commitment of any person who appears to be of unsound mind it is determined that such person is either feeble-minded, an epileptic, insane person or an idiot and ought to be committed for safe-keeping or treatment and it appears that such person is eligible for care or treatment by the Vet-

erans Administration or other agency of the United States Government, the court of the county in which such person is found, having jurisdiction in such matters, upon receipt of a certificate from the Veterans Administration or such other agency showing that facilities are available and that that such person is eligible for care or treatment therein, may commit such person to the Veterans Administration or other agency of the United States Government for care or treatment. Thereafter, such person, upon admission to any such facility, shall be subject to the rules and regulations of the Veterans Administration or other agency of the United States Government. The Chief officer of any such facility or institution to which such person is committed under the provisions of this Act, shall be vested with the same powers as are exercised by superintendents of state hospitals for mental diseases within this state with respect to the retention, transfer, parole or discharge of the person so committed. Notice of such pending commitment proceedings shall be furnished the person whose commitment is sought and his right to appear and defend shall not be denied. The judgment or order of commitment by a court of competent jurisdiction of another state committing a person to the Veterans Administration or other agency of the United States Government, for care or treatment, shall have the same force and effect as to such person while in this state as in the state in which is situated the court entering such judgment or making such order.

Upon receipt of a certificate of the Veterans Administration or such other agency of the United States Government that facilities are available for the care or treatment of any person heretofore committed to any hospital for the insane or other institution in this state for the care of persons similarly afflicted and that such person is eligible for such care or treatment, the superintendent of any such hospital or institution in this state is hereby authorized to cause the trans-

fer of any such person to the Veterans Administration or other agency of the United States Government for care or treatment. Upon effecting any such transfer, the committing court shall be notified thereof by the transferring agency; provided, however, that no person shall be transferred if he be confined pursuant to conviction of any crime or misdemeanor, or if he shall have been acquitted of any such charge solely on the ground of insanity, unless prior to such transfer the court originally committing such person shall enter an order for such transfor after appropriate motion and hearing.

Any person transferred as provided in this section shall be deemed to be committed to the Veterans Administration or other agency of the United State Government pursuant to the original commitment the same as if he had been originally so committed.

Section 17. Construction and application.—

This Act shall be construed liberally to secure the beneficial intents and purposes thereof and shall apply only to beneficiaries of the Veterans Administration.

Section 18. Title.—

This Act may be cited as the "Uniform Veterans' Guardianship Act."

Section 19. Effect of invalidity of Act or part thereof.—

The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

Section 20. Modification of Prior Laws.—

All laws or parts of laws relating to beneficiaries of the

Veterans Administration inconsistent with this Act are hereby repealed. Except where inconsistent with this Act, the general guardianship laws of this State and the laws establishing the practice in such matters including rights of appeal, shall be applicable to such beneficiaries and their estates.

Section 21. Application of Act.—

The provisions of this Act relating to surety bonds and the admnistration of estates of Veterans Administration beneficiaries under guardianship shall apply to all such estates heretofore or hereafter created under the general laws of this State to the extent that such estates have assets derived from benefits paid by the Veterans Administration or receive such benefits in the future.

Section 22.

Sections 2043-1 to 2043-20 of Carroll's Kentucky Statutes, 1936 edition are repealed.

Section 23.

If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section twenty-two of this Act shall be treated as repealing all of KRS Chapter 388, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Swope.

H. Res. 16. A Resolution authorizing C. N. Hostetles, Winchester, Kentucky, to sue the Commonwealth of Kentucky:

Said resolution is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

THAT C. N. Hostetles, Winchester, Kentucky, is/are authorized to sue the Commonwealth of Kentucky in Fayette Co. Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $301.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Bevins.

H. Res. 17. Joint Resolution of the Senate and House of Representatives providing for the issual of license to Grover Cleveland Bentley of Pikeville, Kentucky, to practice dentistry in this Commonwealth, and authorizing the said

Grover Cleveland Bentley of Pikeville, Kentucky, to practice dentistry in this Commonwealth.

Said resolution is as follows, viz:

WHEREAS, Grover Cleveland Bently of Pikeville, Kentucky, graduated in a class of sixty in the Louisville College of Dentistry at the June Graduatiton in 1907, and

WHEREAS, Grover Cleveland Bentley took the examination then prescribed by the State Board of Health and passed the examination, and

WHEREAS, a license was not issued to him to practice the profession of Dentistry in the State of Kentucky, by reason of one of the professors of the Louisville College of Dentistry refusing to sign his diploma showing his graduation, and

WHEREAS, the said Grover Cleveland Bentley completed the prescribed course as provided by law for the practice of dentistry in June 1907, and was then and is now a competent dentist; therefore,

Be it Enacted and Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Grover Cleveland Bentley of Pikeville, Kentucky, be and he is hereby authorized to practice the profession of dentistry in the State of Kentucky, the same as if he had been duly licensed by the State Board of Health and the Examining Board of dentists in the year 1907, after his graduation from the Louisville College of Dentistry, and further that the said Grover Cleveland Bentley be entitled to all of the privileges of a regular practicing dentist in this Commonwealth, the same as if he had been duly licensed by

the State Board of Health and the Examining Board for dentists at said time.

§ 2. That the State Board of Health be, and it is hereby ordered and directed to issue to the said Grover Cleveland Bentley of Pikeville, Kentucky, a license authorizing him to practice dentistry in the State of Kentucky, pursuant to the terms and conditions of this Act and resolution, and said license so issued will show that it was issued in conformity with and by the authority of this resolution.

By Mr. Cox.

H. Res. 18. A Joint Resolution appropriating from the General Fund of the Commonwealth of Kentucky forty-four dollars and eighty cents ($44.80) to pay a claim for services rendered by Floyd C. Wilkey, in performance of his duties as sheriff of Hopkins County.

Said resolution is as follows, viz:

WHEREAS, on November 24, 1940, George Allen Abernathy, a fugitive from justice wanted in Earlington, Kentucky, for murder, was arrested in St. Louis, Missouri, and there detained, by the authorities of St. Louis, Missouri, and

WHEREAS, Floyd C. Wilkey, sheriff of Hopkins County, traveled to St. Louis, Missouri, and conveyed George Allen Abernathy back to Earlington, Kentucky, and

WHEREAS, Floyd C. Wilkey personally incurred expenses totalling forty-four dollars and eighty cents ($44.80), and

WHEREAS, the claim of Floyd C. Wilkey is a just claim for services rendered on behalf of the State, therefore

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby appropriated from the General Fund of the state, the sum of forty-four dollars and eighty cents ($44.80), and the Department of Finance shall draw its warrant upon the Treasurer for that amount, in favor of Floyd C. Wilkey.

By Mr. Egbert Taylor.

H. Res. 19. A Joint Resolution authorizing Harold Gorin, of Greensburg, Kentucky, to sue the Commonwealth of Kentucky:

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Harold Gorin is authorized to sue the Commonwealth of Kentucky in the Green Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum to exceed $2,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Rhoads.

H. Res. 20. A Joint Resolution authorizing Mr. Charles Duncan to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Charles Duncan is/are authorized to sue the Commonwealth of Kentucky in Henderson Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $152.91.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Vance.

H. B. 121. An Act relating to places of entertainment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sections 1599f-11 and 1599f-12 of Baldwin's 1938 Kentucky Statute Service are amended to read as follows:

§ 1. No person shall operate, help operate or carry on business in any manner, as an owner, proprietor, manager, employe or otherwise, a place of entertainment outside the corporate limits of a city unless the owner or manager has a permit, issued to him by the county court of the county in which the place of entertainment is located, licensing him to operate the place of entertainment in that county. The burden shall be on the employe, or other person helping to operate a place of entertainment, to ascertain whether the owner or manager has obtained a permit.

§ 2. Any owner, proprietor, manager or employe of a place of entertainment who violates any of the provisions of this chapter shall be fined not more than three hundred

dollars or confined in the county jail not more than ninety days, or both. Each day that a place of entertainment is operated without a permit shall be a separate offense.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 231.020, and thereafter be treated as an amendment to KRS 231.020, rather than an amendment to § 1599f-11 of Baldwin's Supplement.

§ 4. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section two of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 231.990, and thereafter be treated as an amendment to KRS 231.990 rather than an amendment to §§ 1599f-11 and 1599f-12 of Baldwin's Supplement.

Ordered that said bills and resolutions be printed and referred.

The Speaker announced that he had referred bills previously introduced, as follows, viz:

H. B. 80 To Committee on Cities of Second Class.

H. B. 81 To Committee on Cities of Second Class.

H. B. 82 To Committee on Cities of Second Class.

H. B. 83 To Committee on Cities of Second Class.

H. B. 84 To Committee on Public Ditches.

H. B. 85 To Committee on Agriculture No. 1-A.

H. B. 86 To Committee on Codes of Practice.

H. B. 87 To Committee on Codes of Practice.

H. B. 88 To Committee on Fish and Game No. 1.

H. B. 89 To Committee on Banks and Banking.

H. B. 90 To Committee on Roads and Highways No. 1.

H. B. 91 To Committee on Agriculture No. 1-A.

H. B. 92 To Committee on Alcoholic and Liquor Control No. 1.

H. B. 93 To Committee on Cities of Second Class.

H. B. 94 To Committee on Cities of Second Class

H. B. 95 To Committee on Public Health No. 1-A.

H. B. 96 To Committee on Public Health No. 1.

S. B. 7. To Committee on Kentucky Statutes No. 1.

By order of the Speaker and without objection, the session of today was extended indefinitely.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 6. An Act to provide for an amendment to the Constitution of the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Constitution of Kentucky be amended by creating a new provision to read as follows:

Notwithstanding the provisions of Section 54 of the Constitution, the General Assembly may by general law provide for a compulsory system of Workmen's Compensation and provide for the enforcement thereof. The system shall not embrace or include domestic, farm or steam railway employes and their employers, nor charitable, eleemosynary and educational institutions or their employes, but such employers and employes by joint application may accept the provisions of any Workmen's Compensation Law enacted by the General Assembly.

§ 2. This amendment shall be submitted to the people in the manner provided by Sections 256 and 257 of the Constitution of Kentucky and Chapter 38 of the Acts of the General Assembly of 1940, or, if the Kentucky Revised Statutes are enacted, in the manner provided by Sections 256 and 257 of the Constitution of Kentucky and KRS 118.430.

Mr. Simpson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Swope moved that the House do now adjourn.

Without objection, the motion to adjourn by Mr. Swope was withdrawn.

Mr. Ward moved that the vote by which the Previous Question was ordered on the bill aforesaid, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Ward moved that said bill be made a Special Order of the Day for tomorrow at eleven o'clock A. M.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 2. An Act appropriating money from the General Fund for the fiscal year ending June 30, 1942.

With a Committee amendment thereto.

Mr. Ward moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 32. An Act relating to fiscal year of counties; amending sec. 907-A Carroll's Kentucky Statutes.

Mr. Howard moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 9. An Act relating to holidays.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Governor is authorized and requested to designate, annually, the day upon which the Kentucky Derby is held as "Kentucky Derby Day," on which all public offices and places of business may be closed and on which appropriate ceremonies may be conducted to honor the thoroughbred horse.

Mr. Swope offered the following amendment to said bill, viz:

Amend H. B. 9 by adding at the end, after Section 1, the following:

Section 2. Due to the fact that a Derby Day would come before this Act would otherwise take effect, an emergency is declared to exist and this Act shall take affect from and after its passage.

Said amendment was adopted.

Mr. Swope moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Clyde S. Howard	James E. Quill
George P. Anderson	Jerry F. Howell	L. Allen Rhoads
William F. Ball	Chas. O. Humston	Dr. J. J. Rice
Robert E. Barry	W. H. Hunt	Wade H. Riley
W. T. Beard	Crow Jarvis	Dr. K. N. Salyer
Robert E. Beatty	William L. Jones	Carl Scheben
Rell Bevins	W. A. Lamkin	Leon J. Shaikun
Douglas T. Bolling	H. W. Linville	Faust Y. Simpson
H. M. Brock, Jr.	A. L. Love	Clyde Smith
C. L. Clayton	H. McCartney	J. Claude Stacy
T. Fowler Combs	Norris McPherson	R. C. Stephenson
M. A. Cornett	Ed. Marcum	Thomas M. Swope
John Henry Cox	C. C. May	C. W. Taylor
Guthrie F. Crowe	Sam Milam	Egbert Taylor
Pink G. Curd	D. J. Moore	Roy L. Taylor
Dr. J. A. Duff	J. Lee Moore	John L. Trumbo
Harry W. Ennis	L. D. Moore	Erna E. Tyra
John D. Fields	C. E. Montgomery	S. J. Wagner
T. P. Fitzpatrick	E. R. Morlidge	Harry Walters
W. W. Freeman	Robert Nicholas	H. A. Ward
Joseph J. Grace	Paul Pelfrey	Henry Ward
A. G. Hamilton, Jr.	B. W. Porter	E. Reed Wilson
Fuller Harding	Kleber F. Price	—68

Those who voted in the negative were—

Oris Cooper	Coy Nevitt	Rev. H. Tinsley
Rev. W. W. Crouch	H. C. Patterson	
Bert Hall	Byron H. Royster	—7

Resolved that the title thereof be as aforesaid.

Mr. Swope moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Ward moved that the House do now recess for ten minutes.

Said motion was agreed to.

And then the House recessed.

Ten minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Ward moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon Mr. Simpson of the Committee on Education No. 1 to which the same had been previously referred, reported a bill entitled:

H. B. 29. An Act to provide free textbooks for children in correctional institutions.

With a Committee amendment thereto by way of Substitute therefor.

By Mr. Henry Ward of the Committee on Kentucky Statutes No. 1.

S. B. 7. An Act relating to national and state defense.

With the expression of opinion that said bills ought to pass.

Said bills were each read at length the first time and ordered to be placed on the Calendar.

Mr. Ward moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 22, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz:

C. W. Anderson, Jr.	M. A. Cornett	E. R. Hilton
George P. Anderson	John Henry Cox	Chas. O. Humston
Henry Arrowood	Rev. W. W. Crouch	W. H. Hunt
William F. Ball	Guthrie F. Crowe	Joe B. Jarboe, Jr.
Robert E. Barry	Pink G. Curd	Crow Jarvis
W. T. Beard	Dr. J. A. Duff	William L. Jones
Robert E. Beatty	Forest C. Easley	John S. Juett
Rell Bevins	Harry W. Ennis	W. A. Lamkin
Douglas T. Bolling	John D. Fields	H. W. Linville
Gus A. Brooks	T. P. Fitzpatrick	A. L. Love
Sherman E. Carter	W. W. Freeman	William Lovett
C. L. Clayton	Joseph J. Grace	Harry K. Lowman
T. Fowler Combs	Bert Hall	Hugh D. Lyon
Oris Cooper	A. G. Hamilton, Jr.	H. McCartney

Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
Sam Milam
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Clyde Smith
Otto Smither
Charles L. Spilman
James D. Stacey
J. Claude Stacy
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
John L. Trumbo
Erna E. Tyra
J. Wood Vance
S. J. Wagner
C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson
Stanley S. Dickson, Speaker

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Bolling moved that the privilege of the floor be extended to Mr. William Kirtley of Owensboro and Mr. Herschel McKinley, former member of this House.

Said motion was agreed to.

Mr. Humston moved that the privilege of the floor be extended to Judge Coleman Wright, Messrs. L. G. Smith, Mansee Tydings and Porter Ransdell of Shelby County.

Said motion was agreed to.

Mr. Bolling moved that Billy and Sarah Ann, children of Mr. C. W. Taylor be appointed Honorary Pages of this House.

Said motion was agreed to.

The Committees to which the same had been previously referred, reported bills of the following titles, viz:

By Mr. Wilson of the Committee on Cities of Second Class.

H. B. 24. An Act to enable the several cities and counties of the Commonwealth to enter into inter-city or inter-county compacts for purchasing units and setting up merit system in such cities and counties.

With Committee Amendments thereto.

H. B. 93. An Act providing for air ports for cities and counties.

H. B. 82. An Act relating to indexes to county records.

By Mr. Walters of the Committee on Agriculture No. 1.

H. B. 58. An Act relating to diseased livestock.

By Mr. May of the Committee on Criminal Law.

H. B. 51. An Act relating to crimes and punishment.

By Mr. Ray Stephenson of the Committee on Codes of Practice.

H. B. 86. An Act to repeal, amend and re-enact Sec. 2015 Carroll's Kentucky Statutes.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills of the following titles, viz:

H. B. 43. An Act relating to public education.

H. B. 55. An Act relating to taxation.

H. B. 68. An Act providing for the payment of funeral or burial benefits in money; etc.

H. B. 18. An Act relating to Workmen's Compensation.

H. B. 74. An Act to amend Sec. 496 of Carroll's Kentucky Statutes, 1936 Edition.

H. B. 29. An Act to provide free textbooks for children in correctional institutions.

With a Committee amendment thereto by way of Substitute therefor.

S. B. 7. An Act relating to state and national defense.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The Speaker announced that he had referred bills and resolutions previously introduced, as follows, viz:

S. B. 1 To Committee on Civil Defense.

S. B. 8 To Committee on Kentucky Statutes No. 1.

S. B. 10 To Committee on Kentucky Statutes No. 1.

S. Res. 7 To Committee on Appropriations No. 1.

H. Res. 16 To Committee on Claims.

H. Res. 17 To Committee on Public Health No. 1.

H. Res. 18 To Committee on Claims.

H. Res. 19 To Committee on Claims.

H. Res. 20 To Committee on Claims.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 2. An Act appropriating money from the General Fund of the Commonwealth of Kentucky for the fiscal year ending June 30, 1942, and from the Highway Fund for the fiscal year ending March 31, 1942, supplementing appropriations heretofore made by the General Assembly for the fiscal year 1941-1942.

With a Committee Amendment thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

PART I

There is hereby appropriated out of the General Expenditure Fund of the Commonwealth of Kentucky for the fiscal year beginning July 1, 1941 and ending June 30, 1942, the following sums for the following officers, departments, boards, commissions, institutions and subdivisions of the State Government, to supplement appropriations made by the General Assembly of the Commonwealth at the Regular Session of 1940, to be expended under the provisions of the Reorganization and Budgetary Control Acts of the Commonwealth:

1. EXECUTIVE DEPARTMENT

a. *National and Civil Defense Emergency Fund.* There is hereby appropriated for meeting special emergencies created by National and Civil Defense, to be administered and expended by the Governor of the Commonwealth, the sum of $200,000.00

b. *Sesqui-Centennial Celebration.* There is hereby appropriated for the ordinary recurring and extraordinary expenses deemed by the Governor necessary to be expended for the Sesqui-Centennial Commission, with the approval of the Governor, in the celebration of the Sesqui-Centennial of the Commonwealth of Kentucky, the sum of $15,000.00

2. DEPARTMENT OF WELFARE

There is hereby appropriated for the ordinary recurring expenses of operation of the charitable and penal institutions of the Commonwealth, the sum of $250,000.00

3. MOREHEAD STATE TEACHERS COLLEGE

There is hereby appropriated for capital outlay for the

cost of repair, construction and reconstruction of the dam, the sum of $30,000.00

4. MURRAY STATE TEACHERS COLLEGE

There is hereby appropriated for the cost of repair and reconstruction of the heating plant, the sum of $10,000.00

5. DEPARTMENT OF FINANCE

a. *New Lands and Buildings.* There is hereby appropriated for extraordinary recurring expenses and capital outlay and for ordinary recurring expenses in the restoration, repair, replacement of equipment, maintenance, and improvements of State property, the sum of $50,000.00

b. *New Lands and Buildings.* There is hereby appropriated for the ordinary recurring expenses of architectural fees and the preparation of plans and specifications for repair, reconstruction and construction of State properties, to be expended with the approval of the Governor the sum of $20,000.00

c. *Division of Properties.* There is hereby appropriated for the installation of partitions, electrical equipment, and other construction in the new State Office Building, the sum of $20,000.00

d. *Commissioner of Finance.* There is hereby appropriated for the purpose of employing an attorney for the Department of Finance, and his clerical and traveling expenses, as may be provided by law for the employment of such attorney; and for the employment of two technicians, as may be provided by law, for the remainder of the fiscal year ending June 31, 1942, the sum of $7,500.00

6. DEPARTMENT OF MILITARY AFFAIRS

a. *Kentucky Active Militia.* There is hereby appropriated for ordinary recurring expenses of operation and the purchase of equipment, the sum of $85,000.00

b. *Civil Defense.* There is hereby appropriated for the ordinary recurring expenses of operation of the Civil Defense Commission under laws now existing or hereafter enacted, the sum of $5,000.00

c. It appearing that J. J. Greenleaf who has served without compensation as Director of Civil Defense of Kentucky has expended personal money for the conduct of said work, there is hereby appropriated to J. J. Greenleaf the sum of $505.52

7. DEPARTMENT OF LAW

Statutes Revision Commission. There is hereby appropriated for the ordinary recurring expenses of operation and for extraordinary expenses deemed necessary by the Commission, when approved by the Commissioner of Finance, the sum of $8,000.00

PART II

1. DEPARTMENT OF HIGHWAYS

There is hereby appropriated from the State Highway Fund for the Division of Highway Patrol for the fiscal year ending March 31, 1942, for ordinary recurring expenses of operation of the Highway Patrol as provided by law, to be expended only with the approval of the Governor, the sum of $50,000.00

WHEREAS, the increased cost of supplies and materials had exceeded the amount anticipated by the General Assembly in 1940, and whereas there are demands being made upon the Commonwealth of Kentucky to provide for an Active Militia, Civil Defense, and other needs incident to the defense of the State and the prosecution of war by the United States, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

Said amendment as offered by the Committee is as follows, viz:

Amend S. B. 2 in House by adding subdivision E to section 5, in words and figures as follows:

"Commissioner of Finance. There is hereby appropriated to the Commissioner of Finance for the purpose of compensating Warren and Ronald, Consulting Engineers, of Louisville, Kentucky, for services rendered the Commonwealth of Kentucky at the power plant of the new State Capitol the sum of $2,100.00."

Said amendment was agreed to.

Mr. Milam offered the following amendment to said bill, viz:

Amend S. B. 2 in House on page 3, section 5 by striking all of said section (d) on page 3.

Said amendment was disagreed to.

Mr. Ward moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	W. A. Lamkin	Dr. K. N. Salyer
Henry Arrowood	H. W. Linville	Carl Scheben
William F. Ball	A. L. Love	Leon J. Shaikun
W. T. Beard	Harry K. Lowman	Faust Y. Simpson
Robert E. Beatty	Hugh D. Lyon	Clyde Smith
Rell Bevins	H. McCartney	Otto Smither
Douglas T. Bolling	Norris McPherson	Charles L. Spilman
C. L. Clayton	Dr. Wm. C. Mann	J. Claude Stacy
T. Fowler Combs	Ed. Marcum	R. C. Stephenson
M. A. Cornett	C. C. May	Thomas M. Swope
John Henry Cox	J. Milton Mefford	C. W. Taylor
Rev. W. W. Crouch	D. J. Moore	Egbert Taylor
Guthrie F. Crowe	J. Lee Moore	Roy L. Taylor
Pink G. Curd	L. D. Moore	Rev. H. Tinsley
Forest C. Easley	C. E. Montgomery	John L. Trumbo
Harry W. Ennis	F. E. Morancy	J. Wood Vance
T. P. Fitzpatrick	E. R. Morlidge	S. J. Wagner
W. W. Freeman	C. Sid Nabb	C. R. Walden
Joseph J. Grace	Robert Nicholas	Harry Walters
E. R. Hilton	Paul Pelfrey	H. A. Ward
W. H. Hunt	B. W. Porter	Henry Ward
Crow Jarvis	Kleber F. Price	E. Reed Wilson
William L. Jones	James E. Quill	
John S. Juett	Dr. J. J. Rice	—70

Thosewho voted in the negative were—

Gus A. Brooks	Sam Milam	Byron H. Royster
Oris Cooper	Coy Nevitt	James D. Stacey
John D. Fields	H. C. Patterson	H. L. Waterfield

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Resolved that the title thereof be as aforesaid.

Mr. Ward moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Enrolling Clerk of this House returned a bill and resolution entitled:

H. B. 1. An Act appropriating money for the operation, maintenance, support and functioning of all department of the State.

H. Res. 9. Resolution relating to Kentucky Poetry Day.

duly signed by the President of the Senate into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill and resolution to the Governor.

After a time the Chief Clerk reported that he had discharged that duty.

The hour of eleven o'clock A. M. having arrived, that being the hour for the Special Order of the Day, to-wit: a bill entitled:

H. B. 6. An Act to amend the Constitution of the Commonwealth, relating to workmen's compensation.

The House took up said bill for immediate consideration.

(For bill see House Journal of yesterday)

Mr. Simpson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Pink G. Curd	W. H. Hunt
George P. Anderson	Forest C. Easley	Crow Jarvis
Henry Arrowood	Harry W. Ennis	William L. Jones
William F. Ball	John D. Fields	W. A. Lamkin
Robert E. Beatty	T. P. Fitzpatrick	H. W. Linville
Rell Bevins	W. W. Freeman	Harry K. Lowman
Douglas T. Bolling	Joseph J. Grace	Hugh D. Lyon
C. L. Clayton	Bert P. Hall	H. McCartney
T. Fowler Combs	A. G. Hamilton, Jr.	Norris McPherson
John Henry Cox	E. R. Hilton	Ed. Marcum
Rev. W. W. Crouch	Jerry F. Howell	C. C. May
Guthrie F. Crowe	Chas. O. Humston	J. Milton Mefford

D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Robert Nicholas
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Clyde Smith
Otto Smither
Charles L. Spilman
James D. Stacey
J. Claude Stacy
R. C. Stephenson
Thomas M. Swope
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
John L. Trumbo
Erna E. Tyra
J. Wood Vance
S. J. Wagner
C. R. Walden
Henry Ward
E. Reed Wilson
Stanley S. Dickson, Speaker
—75

Those who voted in the negative were—

Sherman E. Carter
Oris Cooper
M. A. Cornett
John S. Juett
A. L. Love
Coy Nevitt
C. W. Taylor
H. A. Ward
—8

Mr. Simpson offered the following amendment to the title of said bill, viz:

Amend the title of H. B. 6 on page 1. Strike out the title and insert in lieu thereof the following:

"An Act to provide for an amendment to the Constitution of the Commonwealth of Kentucky, relating to Compulsory Workmen's Compensation."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Simpson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 78. An Act to amend Section 1565b-4 of Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That § 1565b-4 of Carroll's Kentucky Statutes, be and the same is hereby amended to read as follows:

Any person who shall be a candidate before any caucus or convention, or at any primary election, or any final election for any state, city, county, town, municipal or district office shall not earlier than the twentieth day nor later than the fifteenth day, counting Sundays and legal holidays, before the date for making such nomination, and also not earlier than the twentieth day nor later than the fifteenth day, counting Sundays and legal holidays, before the final election, file with the officer with whom his nomination papers must be filed in case of a primary, and with the chairman of the board authorized to issue the certificate of election after a final election, or with the secretary of state when nomination is made by caucus or convention for officers of the state at large or for districts larger than one county, and with the county clerk in all other cases, a statement in writing, which statement shall be subscribed and sworn to by such candidate and which shall set forth in detail all sums of money, or other things of value, contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief, by any person in his behalf, wholly or in part, endeavoring to secure

his nomination or election to such office or place; and also sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination or election of any other person at such election, primary or nominating convention, and showing the dates when, the persons to whom, and the purpose for which, all such sums were paid, expended or promised. Such statement shall set forth in detail each item of contribution or expenditure, and he shall before some officer qualified to administer oaths subscribe and file with said statement the following oath:

"I do solemnly swear (or affirm) that the statement herewith filed embraces all money spent by me, or in my behalf with my knowledge; by any person for me; that I have neither directly nor indirectly arranged for or encouraged the spending of any money other than as shown in my said statement; that I have not repaid any money so spent or claimed to have been spent, and that I will not do so, and that I have not violated any of the provisions of this Act in letter or in spirit."

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

(1) Every candidate for nomination at any caucus, convention or primary election to any state, county, city or district office shall, not earlier than the twentieth day nor later than the fifteenth day, counting Sundays and legal holidays, before the date for making the nomination, file a statement in writing, subscribed and sworn to by him, setting forth in detail all sums of money or other things of value contributed, disbursed, expended or promised by him, and to the best of his knowledge and belief by any person on his behalf,

wholly or in part, endeavoring to secure his nomination to such office, and all sums of money contributed, disbursed, expended or promised by him in support and in connection with the nomination of any other person to be voted for at the same time. The statement shall set forth in detail each item of contribution or expenditure, and shall show the dates when, the persons to whom, and the purpose for which all such sums were paid, expended or promised. In the case of nominations to be made at a primary election, the statement shall be filed with the officer with whom nomination papers must be filed. In the case of nominations to be made by caucus or convention, the statement shall be filed with the Secretary of State when the office is for the state at large or for a district larger than one county, and with the county clerk when the office is for a county or a district less than one county. The candidate shall subscribe before some officer qualified to administer oaths, and file with the statement, the following oath:

"I do solemnly swear that the statement herewith filed embraces all money spent by me, or on my behalf with my knowledge by any person for me; that I have neither directly nor indirectly arranged for or encouraged the spending of any money other than as shown in my statement; that I have not repaid any money so spent or claimed to have been spent, and that I will not do so, and that I have not violated any of the provisions of KRS 123.010 to 123.110 in letter or in spirit."

(2) Every candidate for election to any state, county, city or district office shall, not earlier than the twentieth day nor later than the fifteenth day, counting Sundays and legal holidays, before the day of election, file with the chairman of the canvassing board authorized to issue the certificate of election a statement and oath in the same form and manner as provided for in subsection (1) of KRS 123.060, containing

like information with respect to contributions, disbursements, expenditures and promises made in endeavoring to secure his election or in support and in connection with the election of any other person to be voted for at the same time.

The provision so substituted by subsection (1) of this section shall thereafter be treated as an amendment to subsection (1) of KRS 123.060, and the provisions so substituted by subsection (2) of this section shall thereafter be treated as an amendment to subsection (1) of KRS 123.070, rather than an amendment to § 1565b-4 of Carroll's Statutes.

Mr. McPherson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	T. Fowler Combs	Harry W. Ennis
George P. Anderson	Oris Cooper	T. P. Fitzpatrick
Henry Arrowood	M. A. Cornett	Joseph J. Grace
William F. Ball	John Henry Cox	Bert P. Hall
W. T. Beard	Rev. W. W. Crouch	A. G. Hamilton, Jr.
Rell Bevins	Guthrie F. Crowe	Fuller Harding
Douglas T. Bolling	Pink G. Curd	E. R. Hilton
Sherman E. Carter	Forest C. Easley	Jerry F. Howell

Chas. O. Humston	L. D. Moore	Charles L. Spilman
W. H. Hunt	C. E. Montgomery	James D. Stacey
Joe B. Jarboe, Jr.	F. E. Morancy	R. C. Stephenson
Crow Jarvis	E. R. Morlidge	Thomas M. Swope
William L. Jones	C. Sid Nabb	C. W. Taylor
John S. Juett	Coy Nevitt	Egbert Taylor
W. A. Lamkin	Robert Nicholas	Roy L. Taylor
A. L. Love	Paul Pelfrey	Rev. H. Tinsley
Hugh D. Lyon	B. W. Porter	John L. Trumbo
H. McCartney	Kleber F. Price	Erna E. Tyra
Norris McPherson	James E. Quill	J. Wood Vance
Dr. Wm. C. Mann	Dr. J. J. Rice	C. R. Walden
Ed. Marcum	Byron H. Royster	Harry Walters
C. C. May	Carl Scheben	H. A. Ward
J. Milton Mefford	Leon J. Shaikun	Henry Ward
D. J. Moore	Faust Y. Simpson	H. L. Waterfield
J. Lee Moore	Otto Smither	—74

There voted in the negative—

Robert E. Beatty —1

Resolved that the title thereof be as aforesaid.

Mr. McPherson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Ward moved that the House do now recess until one o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of one o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Freeman moved that the privilege of the floor be extended to Mr. Clyde Lester of Graves County.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 28. An Act relating to cities of the second class, of livestock and wool industries

Mr. Morancy moved that said bill be laid on the Clerk's Desk with the privilege of considering it any time.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 70. An Act relating to motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2739g-82 of Carroll's Kentucky Statutes, 1936 Edition, is amended to read as follows:

No person shall operate on any highway any motor truck or semi-trailer truck whose gross weight, including load exceeds eighteen thousand (18,000) pounds; provided, however, that said limitation of eighteen thousand (18,000) pounds is increased to twenty-eight thousand (28,000) pounds in the case of such operation over National Emergency Highways or portions thereof, as described in Section 3 of this

Act, during the remainder of the period of National Emergency which was declared to exist by proclamation of the President of the United States dated May 27, 1941, and provided, however, in no event or circumstance shall the gross weight including load of any truck or semi-trailer truck, exceed six hundred (600) pounds per inch of the combined width of the tires upon which such truck may be propelled, or shall the gross weight including load of any such vehicle exceed sixteen thousand (16,000) pounds per each axle of such vehicle.

§ 2. That 2739g-85 of Carroll's Kentucky Statutes, 1936 Edition, is amended to read as follows:

No person shall operate on any highway any motor truck whose length, including any part of body or load, exceeds twenty-six and one-half (26½) feet, nor any semi-trailer truck whose length including any part of body of load shall exceed thirty (30) feet, provided however, that said limitation of thirty (30) feet for a semi-trailer truck is increased to thirty-three (33) feet in the case of such operation over a National Emergency Highway or portions thereof as hereinafter described in Section 3 hereof.

§ 3. (1) The Commissioner of Highways may, by orders duly issued in accordance with the provisions of subsection (2) of this section, designate from time to time particular highways or portions thereof in this state as National Emergency Highways, and from time to time thereafter may by like order change any such designation in part or cancel it entirely.

(2) The Commissioner of Highways shall make such designations as in his judgment will best promote the public interest, after considering the following:

(a) The need for the operation of motor vehicles weighing more than eighteen thousand (18,000) pounds, or of a length in excess of thirty (30) feet, on account of National Defense and the preparation therefor;

(b) The physical characteristics of each such highway and the bridges thereon, and the extent to which they would be damaged by operation of such heavier motor vehicles;

(c) The effect upon the safety of the public in the use of such highways caused by the operation thereon of heavier or longer motor vehicles than are now permitted by law.

§ 4. At the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States, dated May 27, 1941, section one of this Act shall stand repealed and thereafter § 2739g-82 of Carroll's Kentucky Statutes, 1936 Edition, shall read as follows:

No person shall operate on a highway any motor truck or semi-trailer truck whose gross weight, including the load, exceeds eighteen thousand pounds.

§ 5. At the expiration of the National Emergency which was declared to exist by proclamation of the President of the United States, dated May 27, 1941, section two of this Act shall stand repealed and thereafter § 2739g-85 of Carroll's Kentucky Statutes, 1936 Edition, shall read as follows:

No person shall operate on any highway any motor truck whose length, including any part of the body or load, exceeds twenty-six and one-half feet, nor any semi-trailer truck whose length, including any part of the body or load, exceed thirty feet.

§ 6. At the expiration of the National Emergency

which was declared to exist by proclamation of the President of the United States, dated May 27, 1941, section three of this Act shall stand repealed.

§ 7. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, sections one and four of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 189.220, and shall thereafter be treated as an amendment to KRS 189.220 rather than an amendment to § 2739g-82 of Carroll's Statutes, and the number "KRS 189.220" shall be substituted for "§ 2739g-82 of Carroll's Kentucky Statutes, 1936 Edition," in section four of this Act.

§ 8. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, sections two and five of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (3) of KRS 189.180, and shall thereafter be treated as an amendment to subsection (3) of KRS 189.180 rather than an amendment to § 2739g-85 of Carroll's Statutes, and the number "KRS 189.180 (3)" shall be substituted for "§ 2739g-85 of Carroll's Kentucky Statutes, 1936 Edition," in section five of this Act.

§ 9. Because the Nation is now engaged in preparation to defend this Country and its people from the aggression of foreign dictators, an emergency is declared to exist, and this Act shall become effective for all purposes when approved by the Governor.

Mr. Grace moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Jerry F. Howell	Robert Nicholas
George P. Anderson	Chas. O. Humston	Paul Pelfrey
Henry Arrowood	W. H. Hunt	B. W. Porter
W. T. Beard	Crow Jarvis	Kleber F. Price
Robert E. Beatty	William L. Jones	James E. Quill
Rell Bevins	John S. Juett	Dr. J. J. Rice
Douglas T. Bolling	H. W. Linville	Wade H. Riley
Gus A. Brooks	A. L. Love	Byron H. Royster
Sherman E. Carter	Harry K. Lowman	Dr. K. N. Salyer
C. L. Clayton	Hugh D. Lyon	Carl Scheben
T. Fowler Combs	H. McCartney	Leon J. Shaikun
M. A. Cornett	Norris McPherson	Faust Y. Simpson
John Henry Cox	Dr. Wm. C. Mann	Clyde Smith
Rev. W. W. Crouch	Ed. Marcum	Otto Smither
Guthrie F. Crowe	C. C. May	Charles L. Spilman
Pink G. Curd	J. Milton Mefford	James D. Stacey
Forest C. Easley	Sam Milam	J. Claude Stacy
Harry W. Ennis	D. J. Moore	R. C. Stephenson
T. P. Fitzpatrick	J. Lee Moore	Thomas M. Swope
W. W. Freeman	L. D. Moore	C. W. Taylor
Joseph J. Grace	C. E. Montgomery	Egbert Taylor
P. Bert Hall	F. E. Morancy	Roy L. Taylor
A. G. Hamilton, Jr.	E. R. Morlidge	Rev. H. Tinsley
Fuller Harding	C. Sid Nabb	John L. Trumbo
E. R. Hilton	Coy Nevitt	Erna E. Tyra

J. Wood Vance H. A. Ward E. Reed Wilson
C. R. Walden Henry Ward —82
Harry Walters H. L. Waterfield

There voted in the negative—

S. J. Wagner —1

Resolved that the title thereof be as aforesaid.

Mr. Grace moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 62. An Act providing for educational opportunities for orphans of soldiers, sailors and marines.

Mr. Roy Taylor asked the privilege of withdrawing said bill.

Without objection, said bill was withdrawn.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Wilson.

H. B. 122. An Act prohibiting the use, possession, barter, trade, sale of and giving away of air rifles, or B.B. guns and providing penalties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

No person shall sell, barter, trade, give away or lend to any person any air rifle or B B gun; nor shall any person buy, accept, receive, use or have in possession any air rifle or B B gun; nor shall any parent or guardian knowingly permit any minor under his authority to buy, accept, receive, use or have in possession any air rifle or B B gun. Any person violating this section shall be guilty of a misdemeanor and upon conviction be fined not less than five dollars nor more than fifty dollars; provided, however, that such minors as are or shall be subject to the jurisdiction of a juvenile court shall continue to be subject to the jurisdiction of said court and for violating this law shall be dealt with in accordance with juvenile court procedure.

By Mr. Waterfield.

H. B. 123. An Act to control and prevent the spread of infectious and communicable diseases among live stock and poultry, the regulation and control of the sale of baby chicks at auction, auction sale barns and community sales, requiring permits to conduct such sales and prescribing certain requirements to prevent spread of the disease and describing penalties for violation thereof and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. *Permit Required.* That before any baby chicks are offered for sale at any auction or auction sale barn or community sale, except public sales conducted by farmers selling baby chicks reared on their own premises, a permit shall be

granted to offer such baby chicks for sale by the Live Stock Sanitation Division of the Department of Agriculture or the State Veterinarian.

2. *Fees.* Any person desiring to offer baby chicks for sale at any auction or auction sale barn or community sale shall apply for a permit from the Live Stock Sanitation Division of the Department of Agriculture or the State Veterinarian on a form which shall be prescribed and furnished by the Live Stock Sanitation Division of the Department of Agriculture. The application shall be signed by the person who proposes to conduct such sale, together with the person who owns the property in or on which such sale is to be conducted, if the person who proposes to conduct such sale does not own such property. The application shall designate the date of the proposed sale, the number and breed of the chicks which are to be offered for sale and the person by whom they were produced, and shall be accompanied by a fee in the sum of Fifteen Dollars ($15.00) for each and every day or fraction thereof during or on which it is proposed to sell such baby chicks. The State Live Stock Sanitation Division of the Department of Agriculture or the State Vetrinarian are hereby authorized in its or his discretion to grant or to deny the permit requested in such application and, if deemed advisable, to require the applicant to submit a certificate in such form as the Live Stock Sanitation Division or the State Veterinarian may prescribe certifying that the baby chicks which are to be offered for sale are in a healthy condition and free from such diseases as the Division of Live Stock Sanitation or the State Veterinarian may designate.

3. *Labeling of Crates.* Before any such chicks are offered for sale or sold each box, crate, coop or other container shall be plainly labeled with appropriate statements designating the kind and number of chicks in each such container, the date on which such chicks were hatched and by

whom hatched and any other representations made at or prior to the time of sale relative to the purity of the breed, the freedom of such chicks from disease and such tests as shall have been made on the parent stock for Bacillary White Diarrhoea, Fowl typhoid or tuberculosis.

4. *Report Required.* Within three days after the sale shall have been held, the person who conducted the sale shall send a statement to the Live Stock Sanitation Division of the Department of Agriculture or the State Veterinarian giving a complete list of the number, the kind of baby chicks sold at such sale, the name and address of each purchaser together with a copy of the representations and guarantees made in relation thereto, if any were made by the person who conducted such sale, and the person conducting such sale shall be held to have had full knowledge of the representations and guarantees made at the time of such sale and shall be as fully responsible and liable for any such representations and guarantees as is the person who sets forth such representations and guarantees on the containers, as provided in Section 3 of this Act.

5. *Regulations.* The Live Stock Sanitation Division of the Department of Agriculture is hereby authorized to make such rules and regulations as may be necessary to administer the provisions of this Act and to prevent the spread of diseases among poultry

6. *Definitions.* The term "baby chick" as used in this Act means any domestic fowl under the age of six weeks. The term "person" includes also firms and corporations.

7. *Penalties.* Any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed One Hundred Dollars ($100.00).

8. *Revolving Fund Created.* All money collected under the provisions of this Act shall be paid to the State Treasurer and by him placed in a Revolving Fund to be used by the Kentucky Department of Agriculture for the purpose of enforcing the provisions of this Act.

9. *Emergency Declared.* Inasmuch as the spring of the year is the hatching season and the unscrupulous handling of chicks is causing great loss to the purchasers of chicks in Kentucky, an emergency is hereby declared to exist for the immediate taking effect of this Act, the same shall be in full force and effect from and after its passage and approval by the Governor of the Commonwealth.

By Mr. Cooper.

H. B. 124. An Act relating to the distribution and custody of free textbooks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The free textbooks distributed under authority of Section 4421c-1 of Carroll's Kentucky Statutes shall remain in the hands of any school child to whom issued at the close of any school year, until the beginning of the ensuing school year, except those children who remove themselves from the school district in which they were residing at the time the textbooks were distributed to them. Any school child receiving free textbooks under Section 4421c-1 of Carroll's Kentucky Statutes and who removes himself from the district in which he received the books before the beginning of the ensuing term shall deliver the books to the superintendent in charge of the district in which the books were distributed.

The Superintendent of Public Instruction, subject to the approval of the State Board of Education, may adopt such rules and regulations as may be necessary to cause said books to be returned, and any other regulations authorized by the free textbook law not in conflict with this Act. In any school district or unit in which free textbooks are allocated for the school children therein, if for any cause a surplus of books accumulates at the end of any school year, semester or term, and the books are not needed for any school child therein, the teacher, principal or superintendent in charge of the school unit shall return the books within thirty days to the officer or his successor from whom the books were distributed originally.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the number "KRS 157.100" shall be substituted for the words and figures "Section 4421c-1 of Carroll's Kentucky Statutes" in section one of this Act.

By Mr. Swope.

H. B. 125. AN ACT providing for the regulation and supervision of the dry cleaning, dyeing and pressing industry in the Commonwealth of Kentucky and creating a Board for such purpose, said Board to be known as the Kentucky Dry Cleaning Board; and providing for the creation and establishment of said Board and defining its powers, jurisdiction and duties; and providing for the levying and collection of license fees and appropriating same for the maintenance and operation of said Board; and defining what constitutes engaging in said business, as well as defining certain other words; and providing for the prompt payment and adjustment of claims and for reasonable charges for dry cleaning, dyeing and pressing services, by those engaged in said business; and providing for the protection of public health

and safety and for other purposes reasonably incidental; and providing penalties for the violation of any of the provisions of this Act; and providing that this Act shall apply to any county of the Commonwealth when two-thirds of the resident persons actively engaged in the dry cleaning, dyeing and pressing business in such county petition the Kentucky Dry Cleaning Board to be entitled to the benefits of this Act, then such county shall be governed by this Act; and providing for the repeal of all laws in conflict and for judicial review of the acts of said Board.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. LEGISLATIVE FINDING AND STATEMENT OF FACT. This Act is enacted in the exercise of the police power of the Commonwealth in response to urgent necessity to protect the public health and public welfare, to prevent unfair trade competition, to provide reasonable charges for services by those engaged in the dry cleaning, dyeing and pressing business, to preserve the economic stability of the dry cleaning, dyeing and pressing industry, and to insure to the public a reasonable supply of safe, sanitary service at reasonable prices; also such Act is needed to protect the health, safety, morals and welfare of the public at large, who are entitled to protection at law in their social organization, of which such service and industry herein sought to be regulated and supervised is an established part; and to prevent destructive price wars, violence, damage to persons and property, and financial chaos and economic insecurity, resulting from such industry being unregulated. The foregoing statements of fact, policy and application of this Act, recognizing the service and business herein regulated and supervised as affected with a public interest are hereby declared as a matter of legislative finding and determination.

2. The following words, terms and phrases used in this Act, unless the context otherwise requires, are for the purposes thereof defined as follows:

(A) "Board" shall mean the Kentucky Dry Cleaning Board, created by this Act for the regulation and supervision of the clothes dry cleaning, dyeing and pressing business.

(B) "Person" shall mean any person, firm, corporation or association, natural or artificial.

(C) "Cleaning, dyeing and pressing business" shall mean the operation of any establishment, plant, office, store or vehicle where dry cleaning, wet cleaning as a process incidental to dry cleaning, dyeing, spotting or finishing, or renovating any fabric or wearing material, are performed or rendered for a price or consideration, and where such service is sold, resold, or offered for sale or resale, and shall include the acceptance and transportation of any clothing or other fabric to be cleaned, pressed, dyed or renovated, whether such service shall be rendered by the persons so accepting or transporting such clothes and fabrics or by others.

3. CREATION OF BOARD. There is hereby created a Board to be known as the Kentucky Dry Cleaning Board, to consist of five members to be appointed by the Governor, and to be subject to removal by him, as in the case of other appointive officers. Such Board shall consist of three members chosen from the residents of this Commonwealth not connected with the industry herein regulated to represent the public at large, and two members chosen from those residents of this Commonwealth who are actively engaged in the dry cleaning, dyeing, pressing or hat renovating industry. Such Board shall not meet more than ten (10) days in any calendar month for the transaction of business.

No person shall be appointed as a member of such Board to represent the cleaning, dyeing, pressing or hat renovating industry unless at the time of his, or her, appointment, he, or she, be a citizen of the United States, and a legal resident of the Commonwealth of Kentucky and who has not been actively engaged in the cleaning, dyeing, pressing or hat renovating business in the Commonwealth of Kentucky for at least five years next preceding his, or her, appointment. One of the members of the Board shall be appointed for a term of one year, two for terms of two years, and two for terms of three years, and subsequent appointments shall be for terms of four years each, except appointments to fill vacancies which shall be for the unexpired terms, all of whom shall hold office at the pleasure of the Governor for the terms indicated herein. Each subsequent appointee shall have the same qualifications as his predecessor in office. The members of said Board shall receive as compensation for their services Ten ($10.00) Dollars for each day while attending Board meetings and their necessary traveling expenses incurred in connection therewith. Such Board shall elect one of its members as Chairman and one of its members as Secretary, and shall employ a Chief Supervisor, of adequate experience in the dry cleaning business, who shall be the Administrative Executive of the Board, and shall adopt a set of rules and by-laws to govern its organization and proceedings, and shall adopt and use a seal. Such Board is authorized and empowered to incur any and all expenses deemed necessary by it for the administration, enforcement and to effectuate the purposes of this Act, and may employ such clerical, technical and professional assistance as it may deem necessary for such purposes, and fix their duties, compensation and terms of service. The Chief Supervisor, subject to the limitations of this Act and the law, shall assist in enforcing this Act, but no actual order may be made and issued without the approval of the majority of the membership of such Board, which shall constitute a quorum for the conduct of the Board's business. Provided, that between

meetings of the Board such Chief Supervisor may be designated to perform such duties as the Board may prescribe in keeping with the terms of this Act. The principal office of the Board shall be in such city in Kentucky as the Board may establish as Headquarters, but offices in other localities may also be established and maintained by the Board whenever the same may be deemed expedient and more convenient. On request of such board, it shall be the duty of the proper officials of this Commonwealth to provide reasonable space for the use of such Board in the State Capitol office building.

4. GENERAL POWERS. The Board herein created is declared to be the instrumentality of the Commonwealth for the purpose of attaining the ends recited in the legislative finding, and is hereby granted the following powers, to-wit:

To supervise and regulate the entire cleaning, dyeing, pressing and hat renovating industry of the Commonwealth of Kentucky as herein defined; to require the prompt handling and adjustment of claims; to hold hearings after reasonable notice thereof has been given; to receive sworn testimony and evidence at such hearings as to the reasonableness of any order, rule or regulation of same; to reasonably classify and establish different trade areas and provide different rules, regulations and charges therefor; to establish health and sanitation requirements; to fix minimum prices for the rendering of services in separate trade areas in connection with the industry herein regulated; to establish reasonable rules and regulations of fair competition; to fix reasonable rules and regulations for the conduct of the Board's business and for the regulation of its employees; to require reasonable examinations of license applicants to test their general fitness to engage in such business; to establish rules and regulations for holding hearings in keeping with the procedure herein authorized; to issue subpoenas requiring any person to appear before said Board or at any hearing of said Board for the

purpose of giving testimony and producing evidence; to require the production of any books, papers or accounts of any person when relevant to any matter pending before the Board, or in any hearing being conducted under the authority of said Board, and to establish reasonable rules and regulations for the issuance and service of such subpoenas in the name of such Board, either on the authority of a member thereof, or on the authority of the Chief Supervisor of said Board, or any designated employee thereof. Such Board shall also have the power to revoke, suspend or refuse to issue the license of any person, firm or corporation hereunder for the violation of any rule, regulation or order of the Board after due notice and a fair hearing, as herein provided; and to provide for the keeping of proper books and accounts and the filing of statements and reports of those subject to the regulation of said Board; to provide for the collection of the license fees hereunder authorized, and to regulate all other matters reasonably incidental to the general or specific powers herein recited; to provide for a Deputy Supervisor in any of the trade areas created by said Board, with authority designated by the Board, including power to investigate complaints, report violations of the Board's orders, and to have such other powers reasonable or incidental thereto, including the right to administer oaths, make investigations, conduct hearings when ordered by the Board and on due notice, and to take testimony in connection with the investigation of complaints, and to cause the same to be stenographically transcribed and reported and transmitted to the Board for final action thereon, together with such other authority as the Board may designate in keeping with the general powers and purposes created under this Act.

The naming of specific powers shall be cumulative and not in lieu of general powers existing or herein conferred.

5. HEARINGS. In holding of public hearings, the

Board shall give reasonable notice, published at least ten days in advance in some newspaper of general circulation in the area proposed to be regulated, advising the time, the place and the purpose of such hearings. Such hearings shall provide a fair hearing to all those reasonably interested including the general public. Any public hearing of the Board may be conducted by any member of the Board, the Chief Supervisor or any employee, lawfully designated for such purpose by an order of the Board. In the conduct of any hearing under the authority of this Board as herein authorized, the person duly authorized to conduct the same shall have the power to administer oaths, to require orderly procedure, respectful behavior and conduct from those participating in such hearing, and to enforce reasonable rules in connection therewith, in keeping with the usual accepted principles of a fair hearing. Any person refusing to comply therewith or with any order of the Board, or to answer any subpoena, or to answer any legal question under the directions of the person conducting any such hearing shall be subject to punishment for contempt and shall be promptly reported to the Judge of the Circuit Court of the circuit in which such hearing is to be held, and it shall be the duty of such Circuit Judge upon an affidavit filed, reasonably establishing any such offense, to punish such person guilty thereunder after rule to show cause and hearing thereon, in the same manner as any other contempt may be punished by such Circuit Judge in any other proceeding over which the Circuit Judge may lawfully preside.

Subpoenas requiring any person, firm or corporation to attend any such hearing of the Board, and to produce evidence therein, may be issued by the Chairman of said Board, or the Chief Supervisor, or by any person lawfully authorized to conduct any such hearing. Such subpoena shall issue in the name of the Board on the authority of any such person connected therewith legally authorized to conduct a hearing, and shall have process running throughout the Common-

wealth of Kentucky, and may be served by any designated employee or member of the Board, or may be served by any sheriff or constable in any county where such witness thus summoned may reside or have a place of business in the Commonwealth of Kentucky. The issuance and service of such subpoenas shall be subject to reasonable rules and regulations established by said Board in reference thereto as to the general form and substance thereof and in keeping with law. Witnesses appearing in response thereto shall be entitled to usual fees and expenses to be paid by the Board as allowed witnesses appearing in response to summons in the Circuit Court in any such county where such hearing is being held.

Persons other than those acting under the authority of the Board desiring to subpoena witnesses at the expense of the Board for any hearing, shall make reasonable requests for the same to the said Board, and it shall be the duty of the Board to approve all reasonable requests therefor, but no witnesses shall be legally subpoenaed and entitled to legal fees and compensation as such, unless the Board, or some person lawfully conducting such hearing at which such witness is to testify, shall approve the same in advance. The expense of witnesses hereunder authorized shall be approved by the Board, and paid as any other expense of said Board. Provided, however, in cases where the Board does not desire such witness to testify for and on behalf of the Board itself, and such witnesses will not otherwise appear or respond, the Board may require any person, firm or corporation requesting witnesses to be thus subpoenaed to pay the expense and compensation of such witnesses in advance of such subpoenas being issued. All persons are legally required to respond to any and all subpoenas of the Board when thus lawfully issued and served and may be cited for contempt and punished as for a misdemeanor upon failure to do so.

Before establishing any trade area or fixing any prices

to be charged for various services to be performed or rendered by the services herein regulated, or in altering or amending the same, the Board shall hold a public hearing for such purpose in the area to be affected after giving reasonable notice in some newspaper of general circulation in said area.

In establishing prices, the Board shall take into consideration the rights of the general public and the reasonable and necessary expense and overhead of the industry herein regulated in rendering efficient and sanitary service, with modern equipment and efficient operation, together with the allowing for such reasonable over head expense including reasonable compensation for labor and the fixing of such reasonable charges as will permit the business herein regulated to be conducted so as to provide the public with safe and sanitary service at a reasonable price while enabling the efficient proprietor of such business to continue in business with a fair return on the actual reasonable investment made therein. Different prices may be reasonably fixed for different trade areas as the same may be established by the Board.

After the Board shall have fixed prices to be charged or paid for the various classes of service regulated under the provisions hereof, it shall be unlawful for any person, firm or corporation to knowingly sell, charge, or offer to sell, collect, or charge any lower price, or less than such price or prices as shall be applicable to the particular transaction under the rules and orders of this Board in reference thereto, and no method, trick, devise or subterfuge shall be lawful whereby any such service may be done, charged for, offered or sold at or for a price less than such prices as shall be applicable to the particular transaction hereunder as established by order of such Board, whether by any discount, or rebate, or free service, or advertising allowance, or a combined price for such service, together with another commodity or commodities or service or services which is less or more than the

aggregate for the prices for such service, and the price or prices for such other commodity or commodities or other service or services, when sold or offered for sale separately or otherwise, or by the payment of any abnormally high rate of commission to any employee under such conditions as would encourage such employee to rebate the customer part of such commission as an inducement for the procuring of such trade and custom.

It shall further be unlawful for any person, firm or corporation to knowingly aid, encourage, or abet any violation of this Act or any order of this Board whatever, or by the use of any advertising medium of any character or description whatever, on pain of being punished as for a misdemeanor and being subject to be temporarily enjoined without notice.

6. LICENSE. No person, corporation, firm or association shall engage in the business of cleaning, pressing, dyeing or hat renovating business, as herein defined, within the Commonwealth of Kentucky, without first obtaining a license therefor from the said Board, which said license shall be valid for a period of one year and no more, unless sooner revoked or suspended by said Board under the provisions of this Act.

In order to properly regulate and supervise those engaged in the service and industry herein regulated and to provide funds for the proper administration of this Act, the Board herein created shall have authority and shall be required to collect from all those engaged in such service and industry in this Commonwealth as defined, or authorized to be defined, under the provisions of this Act, the following license fees, to-wit:

Within thirty days after this Act shall take effect, or as soon thereafter as the Board herein authorized may be duly

appointed and qualified, the owner or manager or proprietor of any cleaning, dyeing, pressing or renovating establishment doing business in this Commonwealth, subject to license hereunder, shall promptly register with the Board at its main office, by written application, stating the name and location of said cleaning, pressing, dyeing or renovating establishment, the name of the owner, proprietor or manager in active charge thereof, then operating the cleaning, pressing, dyeing or renovating establishment, the estimated total volume of business done, and shall at the time of making such written application, pay to the Board a fee of Twenty-five ($25.00) Dollars, to be known as an original registration fee.

In addition to the said registration fee, the following license fees shall also be charged, collected and assessed annually by said Board, and paid by every owner, or manager, or proprietor engaged in the service or industry herein regulated, to-wit:

If the entire gross amount of business done by any such person during the preceding year shall not exceed $12,000.00, such license fee shall be Ten ($10.00) Dollars; if the entire gross amount of such business exceeds $12,000.00, such license fee shall be Ten ($10.00) Dollars, plus $1.00 per thousand for all such business in excess of $12,000.00; provided, however, that such fee on the gross amount of business done shall not exceed Forty ($40.00) Dollars in any case.

7. CLASSIFYING AND COLLECTING LICENSE FEES. The Board is clothed with power to prescribe rules and regulations for the assessing and collecting of license fees, for the classification and defining of various services and those engaged in the business herein regulated reasonably in keeping with the classes herein authorized to be set out and defined, and to further provide any and all necessary machinery for prompt collection of any and all license fees

assessed, and may take all steps reasonable and necessary and authorized hereunder to prevent any person performing any such services without first taking out or paying the license fees herein prescribed, including the right to seek an injunction without notice.

Any and all registration or license fees to be paid hereunder shall be paid to said Board and properly receipted for by the Chief Supervisor of said Board, who shall be responsible for a prompt accounting thereof, and shall be placed under such reasonable bond in connection therewith at the expense of said Board as the Board may require in order to furnish reasonable security in keeping with the total amount of such proceeds coming into his possession. All of such proceeds shall be promptly remitted and paid into the State Treasury by him, who shall likewise receipt such Supervisor for the same, and place same to the account of the Board in the State Treasury.

All funds collected under the provisions of this Act are hereby appropriated to said Board for the purpose of administering, enforcing and effectuating the purposes of this Act.

Such funds may be disbursed on the lawful request of said Board for the expenses of the operation of same, on vouchers, orders, checks or written requests signed by the Chief Supervisor and counter-signed by the Chairman of said Board.

8. BOARD EXPENSES. No compensation of the members of said Board, or any of its employees, or any expenses incurred by it, shall ever be or constitute a charge against the Commonwealth of Kentucky, or any fund, or funds, save and except the fund derived from the collection of fees as provided in this Act.

9. INVESTIGATIONS. In the enforcement of the provisions of this Act, the said Board through the Chief Supervisor, or any designated employee, shall have the right to investigate for such purpose the books and accounts and business and customers, and all affairs of any person, firm or corporation licensed hereunder, relevant to any suspected or alleged violation of the orders of this Board. It shall be the duty of every such licensee thus investigated, or sought to be investigated, to permit the free entry and inspection of all of its affairs, books, accounts, and details of business in connection therewith, and to render full assistance and cooperation in any such investigation to effectuate such purpose. Any such person hereunder authorized to make such investigation shall have the authority to administer oaths similar to those required of witnesses in civil investigations in the Commonwealth of Kentucky, and to take statements and receive evidence and testimony under oath. It shall be unlawful for any person making such investigation to divulge the results thereof, or any information obtained thereby to the general public, or to any other person, or to make any unlawful or improper use thereof, except to report the same to the said Board for the confidential information of such Board and its employees, except when such testimony or evidence may be legally or properly introduced in connection with any Court proceeding, or public hearing of the Board conducted under any provisions hereof, and relevant to any proper subject of investigation pending in such proceedings. Any person knowingly violating this provision shall be punished as for a misdemeanor.

10. PENALTY FOR VIOLATIONS AND REVOCATION AND SUSPENSION OF LICENSES. All rules and regulations shall be incorporated in a written order, approved and signed by a majority of the Board, the original copy thereof filed in the office of the Board, and a true and correct copy thereof properly certified by the Chief Supervisor or the

Secretary of the Board, thereafter filed in the office of the Secretary of State. Thereafter, such order thus executed and filed shall have the full force and legal effect of a law of this Commonwealth. Any person thereafter knowingly violating any provisions or term thereof, shall be guilty of a misdemeanor and subject to be tried and convicted in any criminal court of this Commonwealth having jurisdiction of such offense, in the county where such offense may be committed; and upon conviction thereof shall be punished by a fine of not less than Ten Dollars ($10.00) nor exceeding Two Hundred Dollars ($200.00), and each day during which this violation shall continue shall be made a separate offense. In addition thereto, and as cumulative of any other remedy or criminal prosecution, the Board shall also have authority to revoke or suspend the license of any person, firm or corporation knowingly violating any rule or order of the Board.

However, before suspending or revoking any license, there shall be filed with the Board a reasonably definite accusation under oath, charging such licensee with the violation of an order of the Board or any of the provisions hereof. Such Board shall thereafter furnish any licensee alleged to be guilty of such offense a written copy of such charges, reasonably indicating what order, rule or regulation the said licensee is charged with violating, together with reasonable advance notice of not less than ten days of the time and the place at which the Board will conduct a hearing on such matter, and directing such licensee to show cause why such license should not be revoked or suspended. Such hearing may be conducted informally, and without written pleadings, but shall be conducted so as to provide for a fair trial and hearing, as usually recognized as applying to fair legal investigations. Such notice may be served by handing the accused a true and correct copy thereof, or by leaving a true and correct copy at the usual place of business of such accused, with the person in charge thereof, or by properly mail-

ing to his last known mailing address by registered mail, with return receipt requested.

After conducting such hearing, and having considered the testimony and evidence offered therein, in the event the said Board deems sufficient cause exists, and the charges made against such licensee to have been duly established, said Board may, by order, suspend or revoke the license of such licensee and during the term of such revocation or suspension thereafter such licensee shall not in any way engage in the service, business or industry herein regulated, or perform any duties or render any service in connection with said industry in this Commonwealth of which any type of license is required under the provisions of this Act, or any rules and regulations made in pursuance hereto. Any person violating any such order of suspension or revocation of license shall be guilty of and punishable as for a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than Ten Dollars ($10.00) nor exceeding Two Hundred Dollars ($200.00), and each day during which this violation shall continue shall be deemed a separate offense, and in addition thereto shall be subject to be temporarily enjoined without notice, upon application of any interested person, including the Board, its Chief Supervisor, or any authorized employee or member thereof, by any Court of equity in any county where such offense is committed. Such injunction to be made permanent in the discretion of the Court, in keeping with proper proof, pleadings and procedure, and after final hearing in such Court of equity as by law authorized or provided.

All public hearings of any character conducted by this Board, and all hearings on the revocation or suspension of any license shall be stenographically reported and the record thereof duly certified by the person reporting the same, and duly filed in the office of the Board as a permanent record

thereof, and available for inspection by any properly interested person. It shall be the duty of the Chief Supervisor of said Board, on proper request, to furnish certified copies of any orders or records of hearings by the Board at the reasonable cost of party applying for the same. Any such record of copies of orders or rules or regulations of the Board, when certified as true and correct, over the Seal of said Board, by the Chief Supervisor, shall be admissible in any of the Courts of this Commonwealth as prima facie evidence, whenever adjudged relevant and material to the issues involved. An affidavit executed by the Chief Superior or Chairman of the Board to the fact that any certain person, firm or corporation has not paid any lawful license fee required hereunder shall be prima facie evidence of such fact in any of the courts of this Commonwealth.

11. PARTIES—APPEALS. Any person, firm or corporation deeming themselves aggrieved by any action of the Board taken under and of the provisions of this Act which has resulted in the granting of a final order by the said Board, may, within thirty days after receipt of a copy of the order of this Board, file a petition in equity in the Circuit Court of the circuit where the main Headquarters of the Board is located, seeking to reverse, vacate or modify the said order complained of, together with such other relief in equity as plaintiff might deem himself entitled to, and such Court may thereafter proceed to hear and dispose of the same as in other proceedings in Chancery. All legal proceedings may proceed in the name of the Kentucky Dry Cleaning Board as plaintiff, or defendant, and legal service of summons and other proceedings to bind the Board may be served upon the Chairman of the Board or the Chief Supervisor, but in the event of their absence, upon any member of the Board, or by leaving a copy of the same at the main office of the Board in the city where such main office may be located. No petition or application to reverse, vacate or modify a final order by the Board shall

operate to stay the execution or effect thereof, unless such Circuit Court or a judge thereof in chambers on due application and three days' notice to the Board shall determine such stay, in which event the plaintiff shall be required to execute a bond payable to the Governor of the Commonwealth of Kentucky in such sum as the Court may prescribe, with security to the satisfaction of the Clerk of said Circuit Court conditioned for the prompt payment by the said plaintiff of all damages arising from or caused by the delay in the effectiveness or the enforcement of the order complained of not only to plaintiff but to all other licensees suffering damage therefrom, and such Board shall have authority to sue and collect on such bond for the benefit of all thus damaged. All rights of appeal from a decree of the Circuit Court in Chancery shall exist and be preserved as in other cases.

12. All persons, firms, corporations or associations, in the Commonwealth of Kentucky, engaged in the business of cleaning, dyeing, pressing or hat renovating at the time this Act becomes law, shall be entitled to have issued to them a license upon the payment of the fees herein required.

13. APPLICATION OF ACT. This Act shall apply to and be effective in all counties of this Commonwealth where after notice has been published in a newspaper having general circulation in said county, there has been filed with the Board a petition signed by two-thirds of the resident persons actively engaged in the cleaning, dyeing, pressing or hat renovating business at the time of said petition in any such counties signifying their desire to be governed by this Act.

14. PARTIAL INVALIDITY. If any clause, sentence, paragraph or part of this Act, or rule of the Board adopted pursuant to it, shall for any reason be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not effect, impair or invalidate the remainder

thereof, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

15. CONSTRUCTION, EXCEPTIONS AND LIMITATIONS. This Act shall not be construed to conflict with, alter, repeal, abrogate, or nullify the status, force or operation of any provision of the public health laws, labor laws, law relating to fire hazards, or local health laws or regulations, nor deprive any State Boards or Departments of any jurisdiction in the premises.

16. All laws and parts of laws in conflict herewith are hereby repealed.

By Mr. C. W. Taylor.

H. B. 126. AN ACT amending and re-enacting Section 1358 of Carroll's Kentucky Statutes, 1936 edition, relating to the concealment of personal property subject to mortgage or statutory lien.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section One: That Section 1358 of Carroll's Kentucky Statutes, 1936 edition, be amended and re-enacted, so when amended and re-enacted it shall read as follows:

If any person shall fraudulently sell, conceal, dispose of or remove from this state any personal property on which there is at the time a duly executed and acknowledged mortgage whether the same be of record at said time or not, or any lien given under the statutory laws of the Commonwealth of

Kentucky with intent to prevent or hinder the enforcement of the lien thereon or the foreclosure of the mortgage or lien and sale of the property, he shall be deemed guilty of the larceny of the property, and if the value thereof be twenty dollars or more, shall be punished by confinement in the penitentiary not less than one year nor more than five years. The selling, concealing, disposing of or removing from the state of such property shall constitute prima facie evidence of intention to prevent or hinder the enforcement of the lien thereon or the foreclosure of the mortgage or lien and sale of said property.

Section Two: If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 434.210, and shall thereafter be treated as an amendment to KRS 434.210 rather than an amendment to § 1358 of Carroll's Statutes.

By Mr. Royster.

H. B. 127. AN ACT relating to game and fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1954d-13 of Carroll's Kentucky Statutes, Baldwin's 1938 Supplement, is amended to read as follows:

(1) No person sixteen years of age or older shall take wild animals or wild birds, or use a gun, or take fish by angling or buy the pelts of wild animals for commercial purposes, without first having secured a license therefor.

(2) No person under sixteen years of age shall take

wild animals except by trapping, buy the pelts of wild animals for commercial purposes or take wild birds without first having secured a license therefor.

(3) Land owners, their resident children and lessees on their lands may without a license take fish by angling from the waters therein and wild animals and wild birds therefrom subject to the general laws pertaining to game and fish.

(4) No fishing license fee shall be charged to any person for fishing in navigable streams with pole and line and single hook.

(5) Any person who violates any of the provisions of this Act shall be fined not less than fifteen dollars nor more than one hundred dollars.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, subsections (1), (2), (3) and (4) of section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted for KRS 150.170 and subsection (5) of section one of this Act shall be replaced by subsection (2) of KRS 150.990.

By Mr. Royster.

H. B. 128. AN ACT relating to the commission form of government in cities of the fifth and sixth class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Fifth and Sixth class cities may re-organize government under this law.*—That any city of the fifth or sixth

class, under the laws of the Commonwealth of Kentucky may become organized and governed under the provisions of this Act by proceeding as hereinafter provided. Organizing under this Act shall not change the corporate entity of any such city, but the body politic and corporate shall remain the same body that it now is.

§ 2. *Existing laws and ordinances remain in force where not in conflict herewith.*—All laws applicable to and governing cities of the fifth or sixth class and not inconsistent with the provisions of this act shall continue to apply to and govern each city that may organize under this act. And all by-laws, ordinances and resolutions in force in any such city and not inconsistent with the provisions of this act, shall continue to be in force until altered or repealed in manner provided for in this act.

§ 3. *Election to be called; ballot; duty of county clerk and sheriff; canvassing board, duty of.*—(1) The county judge in the county in which is located a city proposing to take the sense of its voters upon the question of adopting the commission form of government, shall, upon the application by written petition signed by a number of legal voters of the city equal to twenty-five per cent of the votes cast in the city at the last preceding general election, receive the petition, and at the next regular term after that make an order in his book directing an election to be held in the city at the next regular elecion, and not earlier than sixty days nor later than ninety days after the application is lodged with the judge. The order shall direct the sheriff or other officer of the county who may be appointed to hold the election, to open the polls at each voting place in the city for the purpose of taking the sense of the qualified voters of the city upon the question of whether or not the citizens in the city are in favor of the organization and government of the city under this act. The question to be submitted to the voters shall be: "Are you in

favor of the organization and government of the city of ....., under the commission form of government?''

(2) The county clerk shall give to the sheriff of the county, or to such officer as may be appointed to hold the election, a certified copy of the order of the county court as it appears on the order book within five days after the order is made. The sheriff or other officer shall have the order published in some weekly or daily newspaper published or circulated in the county, for at least two weeks before the election, and also advertise the same by printed or written handbills, posted in conspicuous places in the city, for the same length of time. If there is no weekly or daily newspaper published in the city, or the proprietor of the paper refuses to publish the notice, the printed or written handbills provided for shall be sufficient notice. The sheriff or other such officer shall have the advertisement and notices posted as required by this section within seven days after he receives the order of the county court.

(3) If a majority of the legal votes cast at the election were given for or against the proposition submitted, the canvassing board shall certify that fact. The certificate shall be delivered to the county clerk and a copy of the certificate shall be delivered to the clerk of the city, and at the next regular term of the county court the county judge shall cause the certificate to be spread on the order book of the court. The entry of the certificate in the order book, or copy of it shall be prima facie evidence of the facts contained in it.

(4) When a majority of the votes cast are in favor of organizing the governing the city under this act, that fact is certified, as provided in subsection (3), by the canvassing board of the county to the county clerk, a copy of the certificate is certified to the city clerk, and a copy of the certificate

is spread upon the records of the county, and of the city at the next regular meeting of the city legislative body, the city shall be organized and governed by this act.

§ 4. *Offices abolished.*—All the present officers of any city shall hold their offices until the expiration of their terms, and if the vote was in favor of adoption of the commission form of government their offices shall be ipso facto abolished at the expiration of their terms. At the November election prior to expiration an election shall be held under this act, for such offices as so expire.

§ 5. *Three commissioners elected.*—If it is the sense of the voters to organize the city under the commission form of government, three commissioners may be elected at an election held not earlier than forty days after the sense of the voters is taken and after eight notices of the election have been posted in eight conspicuous places of the city for a period of not less than ten days. The election shall be called and held in the manner now provided by law. All elections of commissioners after that are to be held on the first Saturday of every second month of May, in the manner provided by law, and such commissioners as are elected shall be inducted into office at the next regular meeting of the commissioners.

§ 6. *Term of office; salary; mayor; mayor protem.*—Each commissioner shall be elected for a term of two years beginning the first Monday of the month following his election. Each commissioner shall receive an annual salary of not less than twenty-four dollars nor more than three hundred dollars, the exact amount to be decided by the outgoing legislative body and mayor or board of trustees at their meeting before retiring. The commissioners shall within thirty days after their election meet and organize themselves, one to be selected as presiding officer, or mayor and one to be elected mayor protem.

§ 7. *Board of commissioners; members, powers, quorum.*—(1) The mayor and two commissioners shall constitute a board of commissioners. In this board of commissioners shall be vested all the legislative, executive and administration power of the city.

(2) Two members of the commission shall constitute a quorum and the affirmative vote of at least two members shall be necessary to the adoption of any motion, resolution or ordinance, to the making or approval of any contract or to the passage of any measure.

§ 8. *Qualification of commissioners; bond.*—Each commissioner shall be able to read and to write any section of the Constitution of this state and shall execute a bond to the city, upon which an action may be maintained by any person interested in the keeping of the covenants contained in the bond. The bond shall be in the penal sum of five hundred dollars and shall be approved by the county judge.

§ 9. *Meetings of board of commissioners.*—The board of commissioners shall meet at least twice each month for the transaction of its business. It shall fix by ordinance the times of holding its regular meetings. Any special meeting may be called by the mayor or by two commissioners. All meetings shall be public.

§ 10. *Employes, appointment, duties, compensation, merit system to be used.*—(1) The board of commissioners shall, at its first meeting or as soon after that as may be practicable, appoint all such employes as may be necessary for the proper and efficient conduct of the affairs of the city.

(2) All such employes shall be agents, not officers, of the City, and shall perform such duties and for such compensation as the board of commissioners may by ordinance

prescribe. Each employe shall be selected with reference solely to his fitness and for the good of the public service, without reference to his political faith or party affiliation, and the board of commissioners shall adopt such regulations looking to the appointment and discharge of employes as will carry out the spirit of this section and lead to the establishment of the merit system in public service.

§ 11. *Abandonment of commission government; election by voters.*—Whenever the citizens of any city which has been organized and governed under this act for a period of four years desires that the organization and government of the city under this act shall cease, they shall proceed to ascertain the sense of the voters by the same process by which the commission form of government was established. The question to be submitted to the voters shall be: "Shall the city of ..... abandon its organization and government under the commission form of government?" If a majority of the votes cast are in favor of abandonment the city shall be organized and governed by such laws as apply to cities of the fifth and sixth class, independent of this act.

§ 12. Sections 2741f-1 to 2741f-11 of Carroll's Statutes, Baldwin's 1936 Revision, are repealed.

§ 13. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, sections 1 and 2 of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, sections 3 to 11 of this Act shall be substituted in place of KRS 89.300 to 89.380, and KRS 89.010 and 89.020 shall remain in full force and effect and shall not be treated as affected by this Act.

By Mr. Hilton.

H. B. 129. An Act relating to a transfer out of interest

in the Unemployment Trust Fund and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Kentucky Unemployment Compensation Commission shall, notwithstanding any other provisions of law, authorize and direct the Secretary of the Treasury of the United States to transfer to the railroad unemployment insurance account out of interest hereafter credited to the State's account in the unemployment trust fund pursuant to Section 904 of the Social Security Act, an amount equal to (a) such proportion of the balance in the pooled account as of June 30, 1939 as the amount of contributions paid by employees subject to the Railroad Unemployment Insurance Act and credited to such pooled account bears to the total of all contributions theretofore collected under the Kentucky Unemployment Compensation Law and credited to such pooled account, plus (b) contributions paid by employees subject to the Railroad Unemployment Insurance Act and credited to the pooled account after June 30, 1939 and prior to January 1, 1940, plus (c) an additional amount equal to two and one-half per centum per annum on the untransferred balances on the foregoing amounts directed to be transferred, computed from the date the Social Security Board determined this State's "preliminary amount" and "liquidating amount" pursuant to Section 13 (c) of the Railroad Unemployment Insurance Act until the transfer herein authorized and directed to be made is effectuated. This transfer is to be authorized and directed on or before the thirtieth day after the close of the 1942 regular session of the General Assembly.

DECLARATION OF EMERGENCY

WHEREAS, the foregoing provisions of this Act are necessary to transfer such interest on or before July 1, 1942, and

WHEREAS, the attainment of such purpose demands immediate action by this body, an emergency is hereby declared to exist, and this Act shall become effective upon its passage and approval by the Governor.

By Mr. Claude Stacey

H. B. 130. An Act to amend section 4281g-14, and repeal section 4281g-7 of Carroll's Kentucky Statutes, 1936 edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 4281g-14 of Carroll's Kentucky Statutes, 1936 edition, be amended so that when amended it shall read as follows:

Statistics of taxpaid gasoline gallonage reported monthly to the Department of Revenue by any licensee under the gasoline excise tax law may be made public by the department.

§ 2. Section 4281g-7 of Carroll's Kentucky Statutes, 1936 edition, is repealed.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, become and be considered to be subsection (3) of

KRS 131.190, and shall thereafter be treated as an amendment to KRS 131.190 rather than an amendment to § 4281g-14 of Carroll's Statutes, and paragraph (a) of subsection (1) of KRS 138.240 shall stand repealed.

By Mr. Wilson.

H. B. 131. An Act authorizing the fiscal courts of any counties in this Commonwealth to maintain fire departments for the purpose of protecting the property outside municipalities where fire departments are now being maintained; to purchase equipment and to employ the necessary help and to provide for the payment of said equipment and help out of a general fund of the counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That the fiscal court of any county within this Commonwealth may maintain a fire department for the purpose of protecting the property of the county and citizens thereof who reside outside of any municipality wherein a fire department is being maintained.

2. If any county elects to operate a fire department the fiscal court may purchase whatever equipment is necessary for said purpose and is further authorized to lease or purchase any property or building necessary for the storing of said equipment, and the person or persons in said fire department, or operating said equipment. The said fiscal court is authorized to employ a sufficient number of persons deemed necessary for the purpose of carrying out the provisions of this Act. If the fiscal court elects to operate a fire department then the court is authorized to fix salaries of the

persons employed and to pay said salaries in monthly payments out of the general fund of the county. The Budget Commission of any county electing to operate under this Act is authorized and directed to set out in said budget a sum sufficient to defray the expenses of said department.

By Mr. Walden.

H. B. 132. An Act to amend Section 4329 of Carroll's Kentucky Statutes, 1936 edition.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 4329 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

§ 1. (1) The fiscal court or county judge shall employ necessary employes and agents in the different road precincts of the county, and may summarily discharge them at pleasure. The employes shall perform service upon the county roads of the county according to the direction prescribed by the fiscal court or county judge. The employes may receive such compensation per day as may be allowed by the fiscal court.

(2) Every able-bodied man employed to do manual or day labor on the county roads shall receive the prevailing wages of the vicinity in which the work is to be done, except that ordinary skilled labor shall receive not more than five dollars per day. A day's work shall consist of not less than eight hours of actual labor.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of

this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 179.110, and shall thereafter be treated as an amendment to KRS 179.110 rather than amendment to § 4329 of Carroll's Statutes.

§ 3. WHEREAS, it is difficult to secure labor for work on county roads at the wage rate per day now provided by the law of this Commonwealth because of the great demand for labor elsewhere, and because it is necessary that the various road departments operated by the counties of the Commonwealth be efficiently operated, during the period of the National Emergency, an emergency is hereby declared to exist and this Act shall take effect from and after its passage.

Ordered that said bills be printed and referred.

Mr. Ward moved that the vote by which the House agreed that H. B. 62 might be withdrawn by Mr. Roy Taylor be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Ward moved that said bill be recommitted.

Said motion was agreed to.

Mr. Ward moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

FRIDAY, JANUARY 23, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend C. R. Thrasher of the Church of the Nazarene of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson, Jr.	A. G. Hamilton, Jr.	C. E. Montgomery
George P. Anderson	Fuller Harding	F. E. Morancy
Henry Arrowood	E. R. Hilton	E. R. Morlidge
William F. Ball	Jerry F. Howell	C. Sid Nabb
Robert E. Barry	Chas. O. Humston	Coy Nevitt
W. T. Beard	W. H. Hunt	Robert Nicholas
Robert E. Beatty	Joe B. Jarboe, Jr.	H. C. Patterson
Rell Bevins	Crow Jarvis	Paul Pelfrey
Douglas T. Bolling	William L. Jones	B. W. Porter
Gus A. Brooks	John S. Juett	Kleber F. Price
Sherman E. Carter	W. A. Lamkin	James E. Quill
C. L. Clayton	H. W. Linville	L. Allen Rhoads
T. Fowler Combs	A. L. Love	Dr. J. J. Rice
Oris Cooper	Harry K. Lowman	Wade H. Riley
M. A. Cornett	Hugh D. Lyon	Byron H. Royster
John Henry Cox	H. McCartney	Dr. K. N. Salyer
Rev. W. W. Crouch	Cary McDevitt	Carl Scheben
Guthrie F. Crowe	Norris McPherson	Leon J. Shaikun
Pink G. Curd	Dr. Wm. C. Mann	Faust Y. Simpson
Dr. J. A. Duff	Ed. Marcum	Clyde Smith
Forest C. Easley	C. C. May	Otto Smither
Harry W. Ennis	J. Milton Mefford	Charles L. Spilman
John D. Fields	Sam Milam	James D. Stacey
T. P. Fitzpatrick	D. J. Moore	J. Claude Stacy
Joseph J. Grace	J. Lee Moore	Thomas M. Swope
P. Bert Hall	L. D. Moore	C. W. Taylor

Egbert Taylor	J. Wood Vance	H. L. Waterfield
Roy L. Taylor	C. R. Walden	E. Reed Wilson
Rev. H. Tinsley	Harry Walters	Stanley S. Dickson,
John L. Trumbo	H. A. Ward	Speaker
Erna E. Tyra	Henry Ward	

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Hilton moved that the privilege of the floor be extended to Messrs. E. B. Whalin, Ben Coffman, W. Tong West and H. M. Sparks of Greenup County.

Said motion was agreed to.

Mr. Bolling moved that the privilege of the floor be extended to Mr. T. L. Riney of Daviess County.

Said motion was agreed to.

Mr. Easley moved that the privilege of the floor be extended to Mr. John M. Hall of Scott County.

Said motion was agreed to.

The Speaker announced that he had referred bills previously introduced as follows, viz.:

H. B. 97 To Committee on Kentucky Statutes No. 1.

H. B. 98 To Committee on Cities of Second Class.

H. B. 99 To Committee on Kentucky Statutes No. 1.

H. B. 100 To Committee an Kentucky Statutes No. 1.

H. B. 101 To Committee on Circuit Courts.

H. B. 102 To Committee on Kentucky Statutes No. 1.

H. B. 103 To Committee on Kentucky Statutes No. 1.

H. B. 104 To Committee on Cities of Fourth Class.

H. B. 105 To Committee on County and City Courts.

H. B. 106 To Committee on Public Health No. 1-A.

H. B. 107 To Committee on Kentucky Statutes No. 1.

H. B. 108 To Committee on Teachers Colleges.

H. B. 109 To Committee on Veterans' Legislation.

H. B. 110 To Committee on Cities of Second Class.

H. B. 111 To Committee on Kentucky Statutes No. 1.

H. B. 112 To Committee on Kentucky Statutes No. 1.

H. B. 113 To Committee on Education No. 1.

H. B. 114 To Committee on Kentucky Statutes No. 1.

H. B. 115 To Committee on Kentucky Statutes No. 1.

H. B. 116 To Committee on Roads and Highways No. 1-A.

H. B. 117 To Committee on Cities of Second Class.

H. B. 118 To Committee on Codes of Practice.

H. B. 119 To Committee on Railroads.

H. B. 120 To Committee on Veterans' Legislation.

H. B. 121 To Committee on National Parks.

H. B. 122 To Committee on Juvenile Courts and Children's Home.

H. B. 123 To Committee on Agriculture No. 1.

H. B. 124 To Committee on Education No. 1.

H. B. 125 To Committee on Kentucky Statutes No. 1.

H. B. 126 To Committee on Kentucky Statutes No. 1.

H. B. 127 To Committee on Fish and Game No. 1-A.

H. B. 128 To Committee on Cities of Fifth Class.

H. B. 129 To Committee on Railroads.

H. B. 130 To Committee on Revenue and Taxation No. 1.

H. B. 131 To Committee on Cities of Second Class.

H. B. 132 To Committee on Civil Defense.

Mr. C. R. Walden of the Committee on Civil Defense to which the same had been previously referred, reported a bill of the following title, viz.:

S. B. 1. An Act to provide for a State Defense organization to be known as the Kentucky Active Militia.

With the expression of opinion that said bill ought to pass.

Said bill was read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 24. An Act to enable the several cities and counties of the Commonwealth to enter into inter-city or inter-county compacts for purchasing units and setting up merit system in such cities and counties.

With Committee Amendments thereto.

H. B. 93. An Act providing for air ports for cities and counties.

H. B. 82. An Act relating to indexes to county records.

H. B. 58. An Act relating to diseased livestock.

H. B. 51. An Act relating to crimes and punishment.

H. B. 86. An Act to repeal, amend and re-enact Sec. 2015 Carroll's Kentucky Statutes.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 18. An Act relating to Workmen's Compensation.

Mr. Simpson moved that said bill be recommitted

To the Committee on Compensation for Industrial Injuries

For the purpose of permitting the Committee to hold public hearings on said bill.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 74. An Act to amend Sec. 496 of Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That § 496 of Carroll's Kentucky Statutes, 1936 Edition, be and the same is hereby amended to read as follows:

No deed or deed of trust or mortgage conveying a legal or equitable title to real or personal estate shall be valid against a purchaser for a valuable consideration, without notice thereof, or against creditors, until such deed or mortgage shall be acknowledged or proved according to law and lodged for record.

The word "creditors" as used herein shall include all creditors, whether antecedent or subsequent, irrespective of

whether or not they may have acquired a lien by legal or equitable proceedings or by voluntary conveyance.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 382.270, and thereafter be treated as an amendment to KRS 382.270 rather than an amendment to § 496 of Carroll's Statutes.

Mr. McPherson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	T. Fowler Combs	T. P. Fitzpatrick
George P. Anderson	Oris Cooper	Joseph J. Grace
Henry Arrowood	M. A. Cornett	P. Bert Hall
William F. Ball	John Henry Cox	A. G. Hamilton, Jr.
Robert E. Barry	Rev. W. W. Crouch	Fuller Harding
W. T. Beard	Guthrie F. Crowe	E. R. Hilton
Robert E. Beatty	Pink G. Curd	Chas. O. Humston
Douglas T. Bolling	Dr. J. A. Duff	W. H. Hunt
Gus A. Brooks	Forest C. Easley	Joe B. Jarboe, Jr.
Sherman E. Carter	Harry W. Ennis	Crow Jarvis
C. L. Clayton	John D. Fields	William L. Jones

John S. Juett	F. E. Morancy	Charles L. Spilman
W. A. Lamkin	E. R. Morlidge	James D. Stacey
H. W. Linville	C. Sid Nabb	J. Claude Stacy
A. L. Love	Coy Nevitt	Thomas M. Swope
Hugh D. Lyon	Robert Nicholas	C. W. Taylor
H. McCartney	H. C. Patterson	Egbert Taylor
Cary McDevitt	Paul Pelfrey	Roy L. Taylor
Norris McPherson	B. W. Porter	Rev. H. Tinsley
Dr. Wm. C. Mann	Kleber F. Price	John L. Trumbo
Ed. Marcum	James E. Quill	J. Wood Vance
C. C. May	L. Allen Rhoads	S. J. Wagner
J. Milton Mefford	Dr. J. J. Rice	C. R. Walden
Sam Milam	Carl Scheben	Harry Walters
D. J. Moore	Leon J. Shaikun	H. A. Ward
J. Lee Moore	Faust Y. Simpson	Henry Ward
L. D. Moore	Clyde Smith	H. L. Waterfield
C. E. Montgomery	Otto Smither	E. Reed Wilson

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Resolved that the title thereof be as aforesaid.

Mr. McPherson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate, announcing that they had passed bills which originated in that body, entitled:

S. B. 17. An Act relating to State Warrants,

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. (a) No state warrant shall be issued, reissued or continued in force if by its issuance, reissuance or continuation in force the total face amount of outstanding state warrants at the time will exceed the sum of Five Hundred Thousand ($500,000) Dollars.

(b) Any state warrant issued, reissued or continued in force in violation of this act shall be considered a debt in excess of the limitations of the Constitution of Kentucky, and shall be void.

(c) This is not intended to, nor shall it be construed so as to invalidate or affect the validity of any state warrant outstanding at the time of the effective date of this act.

Section 2. Since there is immediate need to limit the issuance of state warrants in order to prevent extravagance and unwise borrowing, and it is the intention of the legislature to prevent the issuance of any warrant in violation of this act an emergency is declared to exist and this act shall take effect immediately upon its passage and approval by the Governor.

S. B. 13. An Act to amend and re-enact Section 545 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to the issuance of stock certificates by corporations, their transfer and the liability of a purchaser.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 545 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be amended and re-enacted so that said section, as amended and re-enacted, shall read as follows:

Every holder of stock in a corporation shall be entitled to have a certificate, signed by officers or agents of the corporation designated for the purpose, certifying the number of shares owned by him in such corporation; provided, however, that where such certificate is signed by a transfer agent or an assistant transfer agent or by a transfer clerk acting on behalf of such corporation and a registrar, the signature of any such officers or agents of the corporation designated for the purpose may be a facsimile. In case any officer or officers or agents designated for the purpose who shall have signed or whose facsimile signature or signatures shall have been used on any such certificate or certificates shall cease to be such officer or officers or agents, designated for the purpose of such corporation, whether because of death, resignation, or otherwise, before such certificate or certificates shall have been delivered by such corporation, such certificate or certificates may nevertheless be adopted by such corporation and be issued and delivered as though the person or persons who signed such certificate or certificates or whose facsimile signature or signatures shall have been used thereon had not ceased to be such officer or officers of such corporation. The shares of stock shall be transferred on the books of the corporation in such manner as the by-laws thereof may direct, and every person becoming a stockholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of prior stockholders.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 271.160, and thereafter be treated as an amendment to KRS 271.160 rather than an amendment to § 545 of Carroll's Kentucky Statutes.

S. B. 3. An Act relating to corporation, and to pro-

vide indemnification for officers and directors thereof in respect to certain liabilities, costs and expenses.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Each director or officer, and their personal representatives, of a corporation created under the laws of this State shall be indemnified by the corporation against claims, liabilities, expenses, and costs actually and necessarily incurred by him or his estate in connection with, or arising out of, any action, suit or proceeding in which he is made a party by reason of his being, or having been, an officer or director, except in relation to matters as to which he shall be adjudged in such action, suit or proceeding to be liable for actual negligence or misconduct in the performance of his duties as such director or officer.

2. The right of indemnification herein provided for shall also apply in respect of any amount paid in compromise of any such claim asserted against such director or officer (including expenses and costs actually and necessarily incurred in connection therewith), provided the board of directors of the corporation shall have first approved such proposed compromise settlement and determined that the director or officer involved was not guilty of actual negligence or misconduct; but in taking such action any director involved shall not be qualified to vote thereon, and if for this reason a quorum of the board cannot be obtained to vote on such matter it shall be determined by a committee of three disinterested stockholders appointed by the stockholders at a duly called special or regular meeting.

Ordered that said bills be printed and referred.

Mr. Wilson moved that the privilege of the floor be extended to Miss Barbara Rehm, Mr. Tom Walker and Mr. Bill Penick of the University of Kentucky.

Said motion was agreed to.

Mr. Wilson moved that the privilege of the floor be extended to Mr. Frank Peterson and Elgin Farris.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 68. An Act providing for the payment of funeral or burial benefits in money; providing further that any person regularly licensed to engage in the undertaking business in the Commonwealth of Kentucky may, uppon complying with the provisions of this Act, qualify to perform the provisions of any policy or contract of insurance issued by any burial association; providing for the adoption of appropriate forms for filing of a bond and for annual reports by the Commissioner of Insurance; providing that the designation of a particular undertaker or undertaking concern or an undertaker or undertaking concern out of a particular group by a policy of burial insurance shall be unlawful; providing that policies of burial associations shall be nontransferable and nonassignable; providing that this Act shall not be applicable to policies of burial insurance in existence at the time of the effective date of this Act and declaring the public policy of the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2 of Chapter 33 of the Acts of 1932 is amended to read as follows:

It shall be unlawful for any burial association or any association engaged in the business of issuing contracts, policies or agreements of burial insurance of any kind or character whatsoever or any contracts of a similar nature to issue or cause to be issued any agreement, policy, contract, bond, assurance or guarantee or to have any bylaws which shall provide for the payment of any funeral or burial benefits in merchandise or services, but all payments of benefits thereunder must be made in money.

Any person, firm, corporation, partnership or undertaking concern, duly and regularly licensed to engage in the undertaking business in the Commonwealth of Kentucky who may desire to perform the provisions of any agreement, policy, contract, bond, assurance or guarantee issued by any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky shall file with the Director of the Division of Insurance of the Commonwealth of Kentucky a bond in an amount that is reasonable to be fixed by the Director, which bond shall be conditioned upon the faithful performance of the agreement, policy, contract, bond, assurance or guarantee issued by any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky to its members as approved by the Director. All persons qualifying under this section shall be known and designated as "OFFICIAL UNDERTAKERS" authorized to carry out the provisions and receive the benefits in money of any contract issued by any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky.

The Director of the Division of Insurance shall adopt

appropriate forms for the filing of the bond provided for herein and shall, upon request, furnish said forms to any person, firm, corporation, partnership or undertaking concern, duly and regularly licensed to engage in the undertaking business in the Commonwealth of Kentucky, who may desire to qualify under the terms of this section.

The Director of the Division of Insurance shall issue annually a complete list of all undertakers and undertaking concerns in the Commonwealth of Kentucky who have complied with the provisions of this section and shall furnish to any undertaker or any member of any burial association or association of a similar nature operating under the laws of the Commonwealth of Kentucky such list upon request.

It shall be unlawful for any agreement, policy, contract, bond, assurance or guarantee or bylaw of any burial association or association of a similar nature to provide for the payment of benefits or proceeds of any such agreement, policy, contract, bond, assurance or guarantee, or any part thereof, to any designated or particular undertaker or undertaking concern or to any particular or designated tradesman or businessman or to any undertaker, undertaking concern, tradesman or businessman out of any particular or designated group or undertakers, undertaking concerns, tradesmen or businessmen; but any undertaker or undertaking corncern authorized to do business in this State and who qualifies under the terms of this section may upon request of the personal representative or family of a deceased member, or any other person having charge of the funeral of any deceased member, perform the provisions of the agreement, policy, contract, bond, assurance or guarantee and upon such performance shall be entitled to receive the benefits and proceeds provided for therein.

No agreement, policy, contract, bond, assurance or guar-

antee of any burial association or association of a similar nature authorized to do business in the Commonwealth of Kentucky shall be transferable or assignable nor shall the benefits or any part thereof be transferable or assignable.

It is hereby declared to be the public policy of the Commonwealth of Kentucky that the designation of particular undertakers or undertaking concerns or groups of particular undertakers or undertaking concerns by contracts of burial insurance constitutes unreasonable restraint of trade between undertakers and is contrary to the public policy of the Commonwealth.

The provisions of this section shall not be applicable to any agreement, policy, contract, bond, assurance or guarantee in existence at the time of the effective date of this section.

§ 2. Chapter 150 of the Acts of 1938 is repealed.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act, shall, upon the taking effect of the Kentucky Revisted Statutes, be substituted in place of KRS 303.120, and shall thereafter be treated as an amendment to KRS 303.120 rather than an amendment to section 2 of Chapter 33 of the Acts of 1932.

Mr. Lee Moore moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Mr. Henry Ward moved that the vote by which the Previous Question was ordered, be reconsidered.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Ward and Grace, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	E. R. Hilton	James E. Quill
Henry Arrowood	Chas. O. Humston	L. Allen Rhoads
Rell Bevins	William L. Jones	Carl Scheben
Gus A. Brooks	Harry K. Lowman	Clyde Smith
Oris Cooper	Hugh D. Lyon	Otto Smither
M. A. Cornett	C. C. May	J. Claude Stacy
Rev. W. W. Crouch	J. Milton Mefford	Roy L. Taylor
Guthrie F. Crowe	C. E. Montgomery	Rev. H. Tinsley
Pink G. Curd	E. R. Morlidge	Erna E. Tyra
Forest C. Easley	Coy Nevitt	S. J. Wagner
T. P. Fitzpatrick	Paul Pelfrey	Henry Ward
Joseph J. Grace	B. W. Porter	E. Reed Wilson
P. Bert Hall	Kleber F. Price	—38

Those who voted in the negative were—

George P. Anderson	Crow Jarvis	Dr. K. N. Salyer
W. T. Beard	John S. Juett	Leon J. Shaikun
Robert E. Beatty	W. A. Lamkin	Faust Y. Simpson
Douglas T. Bolling	H. W. Linville	Charles L. Spilman
Sherman E. Carter	A. L. Love	James D. Stacey
C. L. Clayton	Norris McPherson	Thomas M. Swope
T. Fowler Combs	Dr. Wm. C. Mann	C. W. Taylor
John Henry Cox	Sam Milam	Egbert Taylor
Dr. J. A. Duff	D. J. Moore	John L. Trumbo
Harry W. Ennis	J. Lee Moore	J. Wood Vance
John D. Fields	L. D. Moore	C. R. Walden
A. G. Hamilton, Jr.	F. E. Morancy	Harry Walters
Fuller Harding	C. Sid Nabb	H. A. Ward
Jerry F. Howell	H. C. Patterson	H. L. Waterfield
Joe B. Jarboe, Jr.	Dr. J. J. Rice	—44

Ordered that said bill be read the third time.

The Constitutional provisions as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

George P. Anderson	Crow Jarvis	B. W. Porter
Robert E. Barry	John S. Juett	Kleber F. Price
W. T. Beard	W. A. Lamkin	L. Allen Rhoads
Robert E. Beatty	H. W. Linville	Dr. J. J. Rice
Douglas T. Bolling	A. L. Love	Dr. K. N. Salyer
Gus A. Brooks	Hugh D. Lyon	Leon J. Shaikun
C. L. Clayton	H. McCartney	Faust Y. Simpson
T. Fowler Combs	Norris McPherson	Charles L. Spilman
M. A. Cornett	Dr. Wm. C. Mann	James D. Stacey
John Henry Cox	Sam Milam	Thomas M. Swope
Guthrie F. Crowe	D. J. Moore	C. W. Taylor
Harry W. Ennis	J. Lee Moore	Egbert Taylor
John D. Fields	L. D. Moore	John L. Trumbo
P. Bert Hall	C. E. Montgomery	J. Wood Vance
A. G. Hamilton, Jr.	F. E. Morancy	C. R. Walden
Fuller Harding	C. Sid Nabb	Harry Walters
Jerry F. Howell	Robert Nicholas	H. A. Ward
Joe B. Jarboe, Jr.	H. C. Patterson	H. L. Waterfield

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Those who voted in the negative were—

C. W. Anderson, Jr.	Chas. O. Humston	Otto Smither
Rell Bevins	C. C. May	J. Claude Stacy
Sherman E. Carter	J. Milton Mefford	Roy L. Taylor
Oris Cooper	E. R. Morlidge	Rev. H. Tinsley
Rev. W. W. Crouch	Coy Nevitt	S. J. Wagner
Pink G. Curd	Paul Pelfrey	Henry Ward
Forest C. Easley	James E. Quill	E. Reed Wilson
T. P. Fitzpatrick	Carl Scheben	
Joseph J. Grace	Clyde Smith	

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Resolved that the title thereof be as aforesaid.

Mr. Lee Moore moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 55. An Act relating to taxation.

Mr. Ward moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

Mr. Beard of the Committee on Enrollment reported that they had examined and found to be correctly enrolled a bill entitled:

S. B. 2. An Act appropriating money from the General Fund of the Commonwealth for year June 30, 1942 from Highway Fund.

Thereupon all other business was suspended, said bill was read at length and compared and found to be correctly enrolled and thereupon, the Speaker in open session and in the Presence of the House, affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 43. An Act relating to public education.

Mr. Henry Ward moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 29. An Act providing for free text books for children in correctional institutions.

Mr. Henry Ward moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 7. An Act relating to national and state defense; authorizing and creating a State Defense Council to assist in coordinating state and local activities related to national and state defense; providing for the organization of such council and for the appointment of its members by the Governor; providing for their qualifications and term of office; authorizing the Council to employ an executive director and other assistants and make other expenditures to carry out the purposes of this Act; prescribing the powers and duties of the Council; directing the Council and local and regional defense councils to utilize existing services and facilities; providing for the creation of local and regional defense councils and for the powers and duties of such councils; and declaring an emergency to exist.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. This Act may be cited as the "State Defense Council Act."

Section 2. There is hereby created a board and public body—corporate to be known as the State Defense Council, hereinafter designated as the "Council", for the general purposes of assisting in the coordination of the state and local activities with the activities of the nation and other states in matters related to national and state defense.

Section 3. (a) The Council shall consist of five members to be appointed by the Governor and to hold office during the pleasure of the Governor for a period not to exceed four years from the time of the appointment. The Governor shall appoint the five members from the state officials. The Governor shall serve as ex-officio Chairman of the Council. He shall designate one of the members of the Council as Vice-Chairman and State Director of Civil Defense. No state officer shall be ineligible as a member of the Council by reason of holding any such other office, any existing law to the contrary notwithstanding. Three members of the Council shall constitute a quorum. The Governor may appoint deputy directors of the Council who need not be members of the Council.

(b) The Council may employ an executive secretary and such technical, clerical, stenographic, and other personnel, and fix their compensation, and may make such expenditure within the appropriation therefor, or other funds made available to it, as are necessary to carry out the purposes of this Act.

(c) The members of the Council shall serve without compensation, but shall be reimbursed for all their actual and necessary hotel and traveling expenses within or without the State, including traveling from their respective homes to Frankfort and return, and hotel and living expenses while in Frankfort solely on the official business of the Council, and other expenses incurred in the performance of their duties under this act. No agreement for compensation to any employee who may be engaged under the provisions of subsection (b) above shall be valid unless authorized by a quorum of the Council and approved by the vice-chairman and the Governor; nor shall any voucher for expenses be valid or honored unless so approved.

(d) The Council is authorized and empowered to purchase, maintain and operate such automobile, or other motor transportation, as it may deem necessary for facilitating the carrying out of the purposes of this act.

Section 4. Unless called by the chairman to meet elsewhere, the members shall hold all meetings in Frankfort, Kentucky, and said Council shall have the right to expend such reasonable sums as may be necessary to establish and maintain offices in that city. The Governor or the vice-chairman and State Director of Civil Defense shall have a right to call a meeting of the Council at any other place in the State of Kentucky.

Section 5. The Council shall have the following powers and duties:

(a) To adopt, amend and repeal rules, regulations, and by-laws governing its procedure and activities.

(b) To initiate and carry on within the state measures to coordinate emergency defense activities of the state,

including those of all voluntary organizations and committees engaged in patriotic service, and supervise the solicitation of funds by all such organizations and committees; and to cooperate with the United States Director of Civilian Defense, or with any other similar federal agency or agencies hereafter created and with any departments or agencies of the United States or other states engaged in defense activities.

(c) The Council is authorized to receive appropriations from the State of Kentucky or any subdivision thereof, and donations from organizations or private individuals, and to use and account for the same for the purposes of said Council. All monies received by said Council shall be credited to a revolving fund account in the general fund of the Commonwealth and expended only for the purposes set forth in this act. If any fund shall remain in its hands after the expiration of its duties, the same shall be covered into the Treasury of the State of Kentucky for the general purposes of the state unless otherwise directed to be disposed of under the terms of the particular appropriation or donation.

(d) To supervise and direct investigation, and report to the Governor with recommendations for legislation or other appropriate action as it may deem necessary with respect to any matter relating to emergency defense activities, including maintenance of law and order, measures to guard against sabotage and subversive activities, police mobilization, coordination for fire protection, and disaster prevention and relief, and any other type of activity directly or indirectly related to acts or measures of emergency defense.

(e) To create committees, either within or without its membership, to aid it in the discharge of its powers and duties.

(f) To require and direct the cooperation and assist-

ance of state and local governmental agencies and officials within their respective official territories.

(g) To do all acts and things, not inconsistent with law, for the furtherance of emergency defense activities.

Section 6. In order to avoid duplication of services and facilities the Council and the local and regional defense councils established under the authority of this Act are:

(a) Directed to utilize the services and facilities of state, county and municipal officers, offices, departments, commissions, boards, bureaus, institutions and other agencies of the state and of the political subdivisions thereof, and

(b) All such offices and agenciees shall cooperate with and extend their services and facilities to the Council and to local and regional defense councils as the State Council may direct or require.

Section 7. The Council is authorized to establish local defense councils in areas within each county, and to dissolve and reorganize such local councils at its pleasure. Local defense councils, if and when established, shall cooperate with and assist the Council, and shall report to it when and as required by it and shall act under its direction. Such local councils shall in any event terminate and cease activity whenever the Council itself is dissolved or suspended.

Section 8. The Council is authorized to establish regional defense councils containing two or more counties of especial importance in emergency defense activities. Such regional councils shall act as coordinating agencies under the supervision and direction of the Council, and shall report to it when and as required by it.

Section 9. The Council shall render to the Governor on the first day of January in each year and through the Governor to the Legislature at each session a full account of its activities during the preceding year and an itemized statement of all monies received and paid out by it of all funds drawn upon the State Treasury.

Section 10. Because of existing world, national, state and local conditions and the necessity for the complete coordination of all activities in connection with national defense, it is hereby declared that an emergency exists within the meaning of the Constitution of Kentucky, therefore, this Act shall be in full force and effect from and after its passage and approval.

Mr. Henry Ward moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Robert E. Beatty	T. Fowler Combs
George P. Anderson	Rell Bevins	Oris Cooper
William F. Ball	Gus A. Brooks	M. A. Cornett
Robert E. Barry	Sherman E. Carter	John Henry Cox
W. T. Beard	C. L. Clayton	Rev. W. W. Crouch

Guthrie F. Crowe	H. McCartney	Dr. J. J. Rice
Pink G. Curd	Norris McPherson	Carl Scheben
Forest C. Easley	Dr. Wm. C. Mann	Leon J. Shaikun
Harry W. Ennis	C. C. May	Otto Smither
John D. Fields	J. Milton Mefford	Charles L. Spilman
T. P. Fitzpatrick	D. J. Moore	James D. Stacey
Joseph J. Grace	J. Lee Moore	J. Claude Stacy
P. Bert Hall	L. D. Moore	Thomas M. Swope
A. G. Hamilton, Jr.	C. E. Montgomery	C. W. Taylor
E. R. Hilton	E. R. Morlidge	Egbert Taylor
Chas. O. Humston	C. Sid Nabb	Roy L. Taylor
W. H. Hunt	Coy Nevitt	John L. Trumbo
Crow Jarvis	Robert Nicholas	Erna E. Tyra
John S. Juett	H. C. Patterson	S. J. Wagner
W. A. Lamkin	Paul Pelfrey	C. R. Walden
H. W. Linville	B. W. Porter	Harry Walters
A. L. Love	Kleber F. Price	H. A. Ward
Harry K. Lowman	James E. Quill	Henry Ward
Hugh D. Lyon	L. Allen Rhoads	E. Reed Wilson

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Resolved that the title thereof be as aforesaid.

Mr. Henry Ward moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 29. An Act to provide free text-books for children in correctional institutions.

With a Committee Substitute thereto.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Superintendent of Public Instruction, subject to the approval of the State Board of Education, shall purchase textbooks from the publishers whose books have been adopted by the State Text Commission and have them sent without cost to all children between the ages of six and eighteen who are confined in any correctional institution in this state in which teaching instruction is available.

§ 2. Purchases of books shall be upon requisitions made by the persons in charge of the correctional institution who shall distribute and control such books.

§ 3. The Superintendent of Public Instruction may have an investigation made, at any time, to determine the need for the number and kinds of books requisitioned and to determine if the books are being properly taken care of. If he finds anything that is improper about the requisitioning and use of such books he shall repport it to the Governor.

§ 4. The books purchased pursuant to this Act shall be paid for out of the appropriations for the purchase of free textbooks for pupils attending free public schools.

Said Substitute as proposed by the Committee, is as follows, viz:

An Act to provide free testbooks for children in State correctional institutions.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. The Superintendent of Public Instruction, subject

to the approval of the State Board of Education, shall provide basally adopted textbooks without cost to all children between the ages of six and eighteen who are confined in any State correctional institution in this State and who are regularly enrolled in classes of Elementary grades.

2. The textbooks shall be provided upon requisitions made by the person or persons in charge of the correctional institution.

3. The superintendent of Public Instruction may have an investigation made, at any time, to determine the need for the number and kinds of books requisitioned and to determine if the books are being properly taken care of. If he finds anything that is improper about the requisitioning and use of such books he shall report it to the State Board of Education.

4. The books provided pursuant to this Act shall be paid for out of the appropriations for the purchase of free textbooks for pupils attending free public schools.

Mr. Humston moved the Previous Question on the Substitute as proposed by the committee.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said Substitute as proposed by the Committee was then agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of

said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.
George P. Anderson
Henry Arrowood
William F. Ball
Robert E. Barry
W. T. Beard
Robert E. Beatty
Rell Bevins
Douglas T. Bolling
Gus A. Brooks
Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
Joseph J. Grace
P. Bert Hall
A. G. Hamilton, Jr.
Fuller Harding
E. R. Hilton
Jerry F. Howell
Chas. O. Humston
W. H. Hunt
Joe B. Jarboe, Jr.
Crow Jarvis
William L. Jones
John S. Juett
W. A. Lamkin
H. W. Linville
A. L. Love
Harry K. Lowman
Hugh D. Lyon
H. McCartney
Norris McPherson
Dr. Wm. C. Mann
C. C. May
J. Milton Mefford
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
L. Allen Rhoads
Dr. J. J. Rice
Dr. K. N. Salyer
Carl Scheben
Faust Y. Simpson
Otto Smither
Charles L. Spilman
James D. Stacey
J. Claude Stacy
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
Rev. H. Tinsley
John L. Trumbo
Erna E. Tyra
J. Wood Vance
Harry Walters
H. A. Ward
Henry Ward
E. Reed Wilson
Stanley S. Dickson, Speaker

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Resolved that the title thereof be as amended.

Mr. Humston moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Ward moved that the House do now recess until twelve-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of twelve-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Henry Ward moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committees to which the same had been previously referred, reported bills of the following titles, viz:

By Mr. Walters of the Committee on Agriculture No. 1.

H. B. 77. An Act relating to dogs.

With a Committee amendment thereto by way of Substitute therefor.

Without an expression of opinion.

H. B. 65. An Act to repeal, amend, and re-enact Chapter 9 of the Acts of the General Assembly, 1940 relating to bond weighmen in stockyards.

With Committee amendments thereto.

By Mr. Easley of the Committee on Agriculture No. 1-A.

H. B. 91. An Act relating to appropriations for the State Soil Conservation Committee.

By Mr. Wagner of the Committee on Banks and Banking.

H. B. 89. An Act relating to appropriations for the Division of Banking.

By Mr. Henry Ward of the Committee on Kentucky Statutes No. 1.

S. B. 10. An Act amending the Reorganization Act.

With Committee Amendments thereto.

H. B. 71. An Act prohibiting deficiency judgments.

Without an expression of Opinion.

By Mr. Bevins of the Committee on Cities of Fourth Class.

H. B. 104. An Act providing for Civil Service for policemen and firemen in cities of the fourth class.

Without an expression of opinion.

By Mr. Tinsley of the Committee on Roads and Highways No. 1.

H. B. 90. An Act to amend Sec. 2739g-77 of Carroll's Kentucky Statutes, 1936 Edition.

With the expression of opinion that said bills ought to pass with the exception of those specifically set out above.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

Upon a call of the Counties and Legislative Districts, the following bills were introduced, viz:

By Mr. Riley.

H. B. 133. An Act to amend and reenact Section 2380c-1 of Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2380c-1 of Carroll's Kentucky Statutes, 1936 Edition, is amended to read as follows:

(1) In all counties having seventy-five or more separate drainage districts the County court shall appoint a drainage commissioner who shall have and exercise all the powers and duties vested in directors and Boards of Drainage Commissioners elected under the provisions of Section 2380-7 of Carroll's Kentucky Statutes, 1936 edition. The person so appointed shall hold office for a term of four years and until his successor is appointed and qualified, shall execute bond for the faithful performance of his duties in the penal sum of five thousand dollars, and shall be sworn to perform the duties of his position to the best of his ability. Any vacancy in said office shall be filled by appointment by the county court.

(2) The commissioner may acquire, hold, encumber, sell and convey any property necessary to the conduct of his affairs as commissioner, may sue and be sued, contract and be contracted with, and shall possess any other powers and

rights necessary for carrying on his work under the provisions of this chapter. No sale or conveyance of real property shall be made by the commissioner without the written consent of the county court duly entered on the records of that court.

(3) The drainage commissioner shall be paid as full compensation for his services not exceeding five dollars per day, while actually engaged in the performance of his duties, to be fixed by order of the county court at the time of his appointment, as well as all traveling expenses incurred in the performance of his duties, to be paid out of the drainage funds.

(4) With the approval of the county court, the commissioner may appoint a secretary-treasurer and fix his compensation. The secretary-treasurer shall collect and receive all moneys due to the drainage commissioner by reason of assessments or otherwise, and shall disburse the same as directed by the drainage commissioner. The secretary-treasurer shall execute bond to the Commonwealth of Kentucky for the use and benefit of the drainage districts in the county, in a penal sum to be fixed by the county judge, and shall make an annual report to the county court of all collections and disbursements. The County Judge may have the drainage funds audited whenever he deems it necessary, and the cost of such audit shall be paid out of the drainage funds.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 267.490, and shall thereafter be treated as an amendment to KRS 267.490 rather than an amendment to § 2380c-1 of Carroll's Statutes, and the number "KRS 267.090 and 267.100" shall be sub-

stituted for "Section 2380-7 of Carroll's Kentucky Statutes, 1936 edition" in section one of this Act.

By Mr. Shaikun.

H. B. 134. An Act providing for the creation and establishment of public road districts in counties containing cities of the first class in order to provide the public and persons residing upon such roads with all-weather roads, providing for the filing of a petition for the creation of such a road district by fifty-one percent of the property owners thereon, providing for a hearing before the County Court, for the filing of objections by land owners, for appeals to the Court of Appeals, for the appointment of a board of directors of the road district, providing for their duties and salaries, providing for the holding of regular meetings of the board of directors, the preparation of plans and specifications for the construction of the road, advertisement for bids, levy of assessments against abutting property owners, the creation of liens upon such property for such assessments, providing for the payment of such assessments either in cash or in ten equal annual installments, providing for the pre-payment of such installments, providing for notice to property owners, for suit against delinquent property owners, for the issuance of bonds or apportionment warrants, for the sale of bonds and providing for the treasurer to make a fidelity bond.

WHEREAS, a great many subdivisions have been established in Jefferson County, Kentucky, adjacent to the City of Louisville, which subdivisions are thickly populated and have running through them numerous public roads which were not constructed by and have not been maintained by either the Commonwealth of Kentucky or the County of Jefferson and must be maintained solely by voluntary contribution of the persons who use such roads; and

WHEREAS, there are many other public roads in Jeffer-

son County of the same character which were not constructed in connection with the establishment of any subdivision; and

WHEREAS, it is deemed desirable and for the best interests and welfare of the public at large that a method be provided for improving such public roads, which are neither State nor County roads, at the cost of the owners of the property abutting thereon; Now, therefore,

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Public road districts may be established in counties containing cities of the first class for the purpose of providing the general public and persons residing upon or owning property adjacent to such roads with all-weather roads.

Section 2. A public road district may be established in the following manner:

(a) Any person or group of persons owning property abutting upon any public road (which is neither a County road nor a State road) in counties outside of and containing cities of the first class may sponsor the creation of such a road district. The sponsors shall first prepare or have prepared for them a map of that section of such public road which they desire to have improved. Such map shall show the boundary lines of the road, the intersection with other roads and the terminal points on the road desired to be improved, which shall always be center lines of intersections with other roads, and shall set forth on such map the names of the owners of all property and the number of linear feet owned by them abutting upon such road. The sponsors of

said road district shall also have estimated for them by an engineer, who must be a private engineer licensed by the Commonwealth of Kentucky, pursuant to Chapter 93 of the Acts of the General Assembly for the year 1928, the approximate cost of constructing the improvements desired, together with a statement of the approximate cost which shall be borne by each owner of property abutting on the road, determined by the number of linear feet of property owned by each abutting property holder. Said sponsors of said road district shall also prepare a petition and shall attach to said petition the aforesaid maps and statements of cost.

Section 3. The petition mentioned in the foregoing section shall set forth:

(a) The proposed name of said district, which shall be "..... (name of road) Road District of ..... County, Kentucky."

(b) The necessity for the proposed work and that it will be conducive to the public safety, comfort, convenience or welfare.

(c) A general description of the purpose of the contemplated improvement and a brief general description of the road to be improved, setting forth its width and terminal points, and referring to the map which shall be attached to the petition for a detailed description.

(d) The petition shall pray for the organization of the road district.

Section 4. When the petition has been signed by the owners of fifty-one percent (51%) of the property, determined in linear front feet abutting upon and adjacent to the road to be improved, the sponsors of the district may present

the petition, together with the attached maps and estimates of cost, to the County Judge, who shall turn over to the County Engineer for his consideration the maps and estimates of cost. The County Engineer shall, within ten days from his receipt of such documents from the County Judge, examine said documents, examine the road proposed to be improved, study the estimates of cost and type of surface proposed to be used and return to the County Judge with recommendations of approval or disapproval the documents theretofore delivered to him. If the County Engineer disapproves the plans and estimates of cost submitted to him, he shall set forth his reasons for such disapproval, and the County Judge shall return said plans and estimates for revision in accordance with the recommendations of the County Engineer. After revision, they shall again be submitted to the County Engineer, and if he again disapproves, the Court shall nevertheless proceed with a hearing, as hereinafter provided, to determine whether or not said approval should be granted or withheld.

In the event the County Engineer approves the plans for the road and estimates of cost thereof, the County Judge shall notify the sponsors thereof and shall select a day not earlier than two weeks thereafter on which a public hearing shall be held to determine whether or not said public road district shall be created and organized. During said two weeks period, the County Judge shall use such information as is available to him and shall make such investigation as he deems necessary to satisfy himself of the genuineness of the signatures appearing upon the petition and as to the ownership of property of the persons signing said petition. The question of genuineness of signatures and the ownership of property of any person signing the petition may be questioned at the hearing by anyone denying such validity.

When the County Judge has selected a day for the hear-

ing, it shall be the duty of the sponsors to advance sufficient funds to pay for the advertising of the hearing, which advertising shall be had by insertion of one notice in some newspaper of general circulation in the county and by posting printed notices in such number as the County Judge may deem necessary or advisable, but in no event less than ten, along both sides of the road to be improved, either on telephone poles or on posts erected for the purpose.

Section 5. Any owner of land abutting upon the road proposed to be improved who has failed or refused to sign the petition seeking the formation of the road district may, on the day fixed for the hearing, file in the County Court his answer to said petition setting forth his objections to the creation of such district, and the County Judge shall thereupon fix a day when both the sponsors and the objectors may introduce testimony, and shall at that time hear the case upon its merits. The burden of proof shall be upon the objectors to show cause why the road district should not be created, and the case shall be tried as a suit in equity. The order of the County Court shall be final and shall be subject to appeal directly to the Court of Appeals upon the record made in the County Court. The Appellant shall, within thirty (30) days after the order is entered by the County Court, execute bond with good Surety before the Clerk of the County Court covenating that the Appellant shall pay the costs of the Appeal in the event of the affirmance of the order of the County Court. Such appeal must be asked for and granted by the County Court within thirty (30) days from the date of the rendition of the judgment. If no appeal is sought within such time, the judgment of the County Court shall be final. If no objections are filed on the day set for the initial hearing, the County Court shall enter its order approving the petition.

Section 6. In the event of a final judgment of the County Court, either with or without appeal to the Court of

Appeals, ordering the creation of the road district, the County Court shall enter an order declaring said district organized in the name provided for in Section 3 of this Act, by which name it shall thereafter be known. The County Judge shall thereupon appoint three persons as members of the road district board of directors, whose duty it shall be to control and manage the affairs of the district. Each director shall be at least twenty-five (25) years of age, shall be an owner of land abutting upon the road to be improved and shall have lived on such land for a period of at least six (6) months prior to his appointment. The members of the first board of directors shall hold their offices, respectively, for two, three and four years from the date of their appointment, and thereafter each director shall be appointed for a term of four years. Vacancies resulting from any cause other than expiration of a term of office shall be filled by the County Judge and only for the unexpired term.

Section 7. Each director, before entering upon his official duties, shall take and subscribe to an oath before the Clerk of the County Court that he will honestly, faithfully and impartially perform the duties of his office and that he will not be interested directly or indirectly in any contract let for the purpose of carrying out any of the provisions of this Act. Said oath shall be filed among the minutes of the road district and noted on the minutes of the County Court.

Each director shall give a good and sufficient bond in an amount to be fixed by order entered by the County Court, said bond to be approved of by the County Judge and to provide for the faithful performance of his duties and as security for all monies coming into his hands. The cost of such bonds shall be borne by the road district.

Section 8. The board of directors, which is hereby declared to be the governing body of the road district, shall

keep a record of its proceedings, shall adopt and have a seal, and shall exercise all powers and manage and control all the affairs and property of the district. Said board of directors shall elect one of its members chairman, one secretary and one treasurer. The board may employ an attorney and an engineer, who shall serve in such capacities during the pleasure of the board and for such reasonable compensation as may be fixed by the board and approved by order of the County Court. Each member of the board may receive a salary of not in excess of $200.00 per annum for his services, which salary shall be fixed at the first meeting of said board, and approved of by order of the County Court, and thereafter may be decreased as the duties of the members decrease. The board may adopt such rules and regulations as are necessary for its proper functioning. The chairman, secretary and treasurer of the district shall perform such duties as are usually performed by such officers.

Section 9. The board of directors shall fix the time and place for regular meetings of the board and may hold such other meetings as are called by the chairman or any two members of the board upon two days' notice in writing to all members of the board. A majority of the directors shall constitute a quorum, and the concurrence of the majority in any matter within the scope of its duties shall be decisive. All actions taken by the directors shall be by resolution.

Section 10. Upon qualification of the members of the board of directors, the board shall take up with its engineer the plans and specifications proposed for the construction of the road to be improved, and may make such changes therein as may, within the scope of the improvement petitioned for, appear necessary. The cost of preparation of such plans and specifications and any other reasonable costs borne by the sponsors of the project prior to the organization of the district which are properly proven by vouchers shall be included

in the cost of construction of the project and shall be repaid to such sponsors out of monies collected or received for the construction of such project.

Section 11. Upon the final approval of the plans and specifications, the board of directors shall adopt a resolution approving and accepting said plan, and advertising for bids for the construction of the road according to such plans and specifications. The board shall advertise for bids for the construction of such work by publishing notice thereof in a newspaper of general circulation in the County once each week for two consecutive weeks (publication being complete on the date of the second publication), calling for reception of bids in not less than one week after the second publication. The contract for such work shall be let to the lowest responsible bidder, who shall give bond with approved and adequate security for the faithful performance of the contract. The notice of the letting of the contract shall specify the general nature of the work to be done, the time and date of reception of bids, and the place where detailed information as to the work to be performed can be obtained. All bids shall be opened and read at the time and place specified in the notice, and the board of directors may either accept the lowest and best bid or, in their sound discretion reject all bids and re-advertise.

Section 12. When a bid has been accepted and the cost of constructing the road improvement has thus been determined, the board of directors shall prepare a statement of all costs of constructing the project (including the cost of organizing the district, preliminary expenses, fees of directors, engineer and attorney, and a sum sufficient to provide for any unforseen contingencies up to and including the completion of the project, together with a fund adequate to provide for continuing costs of the district for a period of ten years), and shall thereupon determine the front-foot cost of

constructing the road improvement. The board of directors shall then assess against each owner of property abutting upon the road improved within the limits of the improvement that proportion of the cost of constructing the entire improvement which his front footage abutting upon the road bears to the total front footage of all properties abutting upon the road within the area to be improved. In determining the total front footage, intersections shall be included.

Section 13. The assessment made by the board of directors against each owner of property abutting upon the road improvement shall be and become a lien on the property of such owner and shall be prior and superior to all other liens except those of taxes.

Section 14. The board of directors shall notify each property owner in writing of the assessment against him and shall also cause printed notices setting forth the assessments against each property owner to be posted in at least ten public places along the road to be improved. The property owner may pay the assessment against his property in cash without interest within thirty (30) days from the date of the notice, or may elect to pay such assessment by paying same in ten equal annual installments, the first of which shall be paid within such thirty (30) days without interest, and an agreement executed to pay the other nine installments annually thereafter with interest at the maximum rate of six (6%) percent per annum payable semi-annually. The notice of assessment shall state said terms.

Section 15. Any property owner who desires to exercise the privilege of payment by installment shall, before the expiration of said thirty (30) days, pay in cash one-tenth of the assessment against him and enter into an agreement in writing with the road district that, in consideration of such privilege, he will make no objection to any illegality or

irregularity in the assessment, levy or imposition of the assessment against his property. Any property owner entering into such an agreement shall be concluded thereby and shall waive any defense which he might otherwise have against the payment of the assessment levied against his property. Said agreement shall be filed and recorded among the records of the board of directors of the road district, and shall be binding upon any successor in title to the property.

After the first payment of one-tenth of the assessment shall have been made in cash at the time the property owner elects to pay the balance on the installment plan, the remaining installments shall be due and payable one each year on the anniversary of the last day of the thirty-day period for executing the installment payment agreement, together with interest as herein provided for nine years.

Section 16. In all cases where agreements to pay assessments in installments have not been filed within the time limit, the entire amount of the assessment shall forthwith be payable in cash. Any assessment not paid within thirty (30) days from the date of notice, as aforesaid, shall bear interest thereafter at the rate of six (6%) percent per annum from the date of the assessment and levy and shall be collected by suit.

Section 17. If any property against which an assessment has been levied is owned by an infant, by a person of unsound mind or a life tenant, the agreement herein provided for may be executed by the statutory guardian of such infant or the committee or curator of such insane person, with the same effect as if executed by a person free from disability, or by the life tenant, whose agreement shall be binding upon the owner of the fee.

Section 18. Any person may, at any interest-payment period after the fifth installment of his assessment has

become due and has been paid, pay the entire balance of such assessment against his property with accrued interest to the next succeeding interest period. In the event that an owner who has entered into an installment payment agreement desires to pay his assessment in full before the fifth installment thereof has become due, he may pay the same by paying the face amount of his obligation, plus all installments of interest up to and including the next interest period following the fifth installment.

Section 19. It shall be the duty of the board of directors to cause to be mailed to each property owner liable for an assessment, to his last known address, a notice of the amount falling due ten days prior to the date on which any installment of principal becomes due. The failure of such property owner to receive a notice shall neither exempt him from liability for the assessment nor projudice the collection thereof or the enforcement of the lien therefor.

Section 20. If any person liable for any part of said assessment defaults in the payment of any installment thereof or interest thereon for one month after payment becomes due, a penalty of ten percent of the installment in arrears shall be added thereto, which shall constitute a like lien as the assessment, and thereafter all unpaid installments of the assessment against such person shall, at the option of the district, or of any holder of an apportionment warrant or bond secured thereby, forthwith become due and payable. It shall be the duty of the district, for the use and benefit of the owner or owners of such bonds or apportionment warrants to institute, in its own name and at its own cost, proper proceedings for the enforcement of such lien, except that the costs of the action, including attorneys' fees, shall be added to the amount of the delinquent assessment and shall be first payable out of the monies received through enforcement of the district's lien. If the district fails to institute such

proceedings for thirty (30) days after notice of such default, any owner of a bond or apportionment warrant secured by such lien may, in his own name and on his own behalf and on the behalf of other owners of such bonds or apportionment warrants, institute and prosecute such proceedings in any court of competent jurisdiction.

Section 21. It shall be the duty of the district treasurer promptly to apply all monies paid in on installments of principal or interest and on penalties to the payment of the bonds and coupons or apportionment warrants issued hereunder. If the fund accumulated from the collection of assessments, interest and penalties be more than sufficient to pay all principal and interest due, said treasurer shall refund to each person paying an assessment for the project a proportionate amount of the excess. Failure on the part of the district to collect any payment when due shall create no liability against the district and shall create no liability against the members of the board of directors, except for gross negligence or malfeasance in office.

Section 22. In the event that a property owner fails or refuses to pay his assessment in cash within thirty (30) days or to pay one-tenth of his assessment in cash within thirty (30) days and execute an agreement to pay the balance in nine equal annual installments with interest, as aforesaid, or in the event that a property owner fails or refuses to pay any semi-annual installment of interest or annual installment of principal due under such agreement when the same becomes due, then the board of directors shall, after making reasonable efforts to collect the same, direct its attorney to file a suit in equity to foreclose the lien of the road district against such delinquent property owner. In all actions to enforce liens, a copy of the resolution of the board of directors authorizing the work to be done and assessing the lien against the property owners, attested by the secretary of said board,

shall be filed with the petition and shall constitute prima facie evidence of all facts necessary to be established by the plaintiff in such an action to entitle it to relief. In such actions, the court shall provide in its order confirming any report of sale that any defendant or defendants or anyone claiming through him or them may, within two years from the date of the order confirming a report of sale, redeem the property sold by paying to the purchaser the purchase price, with interest thereon from the day of sale at the rate of ten (10%) percent per annum to the date of payment; in the event that there be no redemption within the time allowed; the order of confirmation shall be final and a deed shall be executed to the purchaser or his assignee.

Section 23. At the end of the thirty-day (30) period following the notification of all property owners of the assessment against their property, the attorney for the district, upon receiving instructions so to do, shall file in the office of the County Clerk a lis pendens notice against each parcel of property the owner of which has entered into an agreement to pay his assessment in installments or who has failed or refused either to pay his assessment in cash or to enter into an agreement, and the lien hereinbefore created shall thereupon be and become effective as against each parcel of property so affected.

Section 24. In order to obtain funds sufficient to pay for the construction of the proposed improvement, being the balance required after the receipt of full cash payments and initial installment payments, but not including in such balance payments due from owners who failed or refused to make full cash payments or to enter into installment payment agreements, the board of directors may, in its discretion, provide by resolution for the issuance of interest-bearing apportionment warrants against each parcel of property or may direct the issuance and sale of road district bonds,

as hereinafter provided. No bonds shall be issued unless the aggregate amount of installment payments, subsequent to the first cash payment is $1,000.00 or more.

Section 25. In the event that the board of directors determines to issue apportionment warrants, the same shall be issued against each parcel of property against which there is a lien for an unpaid balance of the assessment, shall bear interest at the rate of a maximum of six (6%) percent per annum, payable semi-annually, and shall be payable as to principal in nine equal installments. Said apportionment warrants may be sold at public or private sale, and may not be sold for less than their face value, except to the contractor, who must accept the same in full payment of the assessments which they represent. Said apportionment warrants shall be executed by the chairman and the secretary of the board of directors and may be sold either at public or private sale.

Section 26. In the event that the board of directors determines to issue road improvement bonds, it may pledge the special assessment and liens on the property for the payment of the principal and interest of such bonds and shall apply the proceeds thereof exclusively to the payment thereof. The bonds shall bear a date not less than thirty (30) days nor more than sixty (60) days after the date which was the last day for the execution by the property owner of installment payment agreements. The bonds shall be negotiable and payable to bearer, shall provide for the semi-annual payment of interest at a rate of not in excess of six (6%) per cent per annum, shall bear coupons to provide for the payment of such interest, shall be numbered consecutively, shall be in denominations of $100.00 or its multiple (provided that any odd amount not in multiple of $100.00 may be included in the last bond to mature), shall be divided into nine series as nearly equal as practicable, one series maturing each year, and shall be payable at the office of the treasurer of the road dis-

trict or at a bank or trust company named in the bonds. The bonds shall have the name of the road for the improvement of which they are issued printed or engraved thereon, shall state the character and extent of the improvement, shall be signed by the chairman and the secretary of the board of directors, and the coupons shall be signed by the secretary either personally or by his engraved or lithographed facsimile signature.

It shall not be necessary in the bonds to recite the steps taken for the improvement of the road or in making the assessment of the cost thereof, but it shall be sufficient to make a general reference to such proceedings and to this Act. The bonds shall be exempt from all taxation by or in the Commonwealth of Kentucky. The bonds shall convey and transfer to the owner therof all lien, right, title and interest in and to the assessments and liens upon the respective parcels of land abutting upon the improvement. Said liens, until released after payment, as herein provided for, shall be security for such bonds and coupons until they are paid.

The bonds shall be subject to the prepayment and redemption at any interest period thereof which does not occur within four years from the date thereof. The treasurer of the district shall, when funds have accumulated from any special assessment sufficient to redeem in excess of the next series falling due, by lot select from the next succeeding issue falling due thereafter bonds of a par value equal to the excess in said fund arising from the excess collection and shall advertise the designation and numbers of the bond or bonds so drawn once each week for three consecutive weeks prior to the next interest period in a newspaper of general circulation in the county where the district is located to the effect that on said date, the bonds will be redeemed at their par value

and accrued interest. The bonds specified in such notice shall bear no interest after the date fixed for their redemption, which provision shall be set forth in substance on the bonds.

Section 27. The bonds shall be sold at public sale for no less than par and accrued interest to the highest responsible bidder. Such sale shall be advertised by publication of a notice of the time and place of the sale, and such other information as may be pertinent, in one issue of a newspaper of general circulation in the county where the road district is located at least one week prior to the taking of bids. If no bidder offers par and accrued interest for the purchase of such bonds, then the road district shall have the right to turn them over to the contractor in full payment of that portion of the contract price of the improvement represented by par and accrued interest. The contractor shall accept such bonds and give credit on the contract price for the full face value and accrued interest theron. Any premium realized from the sale of the bonds and any penalties collected on account of the delinquency of any installment payments of assessments shall be added to the bond fund for the payment of the bonds and interest thereon. Said bonds and interest shall be payable out of funds actually paid to and collected by the road district on account of the improvement assessment in anticipation of which the bonds were issued.

Section 28. The treasurer of the road district shall be charged with the keeping of all monies collected on account of the special assessment, interest and penalties, and he shall disburse the same only in payment of the construction costs, apportionment warrants or bonds, as the case may be, or for regular expenses of the district. The treasurer shall be bonded in an amount to be fixed by order entered by the County Court and shall be liable upon his official bond for the safe-keeping of the funds of the district. The sale of any

parcel of land for the non-payment of any special tax or assessment thereon or for any general tax shall not thereby release said parcel of ground from other special tax or assessment existing thereon unless the same be asserted in the action in which such parcels are sold. In any action to foreclose its lien brought by the road district or by any bondholder, it shall not be necessary to make the other bondholders parties. The proceeds of the suit shall be paid to the treasurer of the district and by him applied to the redemption of matured bonds as if the payment had been made without suit.

In such a suit, an allegation in substance that the improvement of the road had been duly made and completed and such assessment levied therefor and bonds for unpaid portion of the cost had been issued pursuant to resolutions and proceedings duly adopted and had by the board of directors in accordance with law, shall be a sufficient pleading of such resolutions and proceedings without setting the same out in full or making further reference thereto. The road district is hereby authorized to bid in an amount not in excess of its lien and costs for any property sold in such suit.

Section 29. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the number "KRS Chapter 322" shall be substituted for "Chapter 93 of the Acts of the General Assembly for the year 1938" in section two of this Act.

By Mr. Decoursey Moore.

H. B. 135. AN ACT relating to the distribution of the common school fund.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. § 4370-6 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

For each school year the Department of Finance, on the certification of the Superintendent of Public Instruction, shall draw a warrant on the treasurer for the amount of the school fund due each district. The checks or warrants, in case the warrants are stamped interest-bearing, shall be turned over to the Superintendent of Public Instruction for distribution to the proper officials of the several school districts when the districts have fully complied with the school laws and rules and regulations of the State Board of Education. The school fund shall be distributed in the same number of installments as there are months in the minimum school term declared by the Superintendent of Public Instruction upon the approval of the State Board of Education. The first installment shall be paid on or before August 1 of each year to those districts whose terms begin during the month of July and the first installment shall be paid on or before September 1 of each year to all other districts and the subsequent installments paid on or before the first day of each succeeding month until all of the installments have been paid.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 157.050, and shall thereafter be treated as an amendment to KRS 157.050 rather than an amendment to § 4370-6 of Carroll's Statutes.

By Mr. Lampkin.

H. B. 136. AN ACT relating to election precincts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. When any change in the boundaries, division or consolidation of election precincts is made, as provided by law, the county attorney and county clerk of the county shall assist the county judge in making the change, and the county judge may secure the assistance of such other persons as are necessary, who shall serve without compensation.

§ 2. Any sheriff of election who fails to report the fact that more than three hundred and fifty votes were cast in his precinct, as required by § 1443 of Carroll's Statutes, and any county judge who fails, upon receiving such a report, to divide the precincts of his county as required by that section, shall be subject to indictment, and upon conviction shall be fined not less than one hundred dollars nor more than two hundred dollars.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the number "KRS 116.180" shall be substituted for "§ 1443 of Carroll's Statutes" in section two of this Act.

By Mr. Wilson.

H. B. 137. AN ACT relating to clerks of quarterly courts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Except as provided in section two of this Act, the presiding judge of the quarterly court shall be the clerk of such court.

§ 2. The county judge may by an order entered of record in the quarterly court empower the county clerk or any other person to act as clerk of the quarterly court, and upon such order being entered the clerk or person appointed by the

judge shall be authorized to issue any process of the quarterly court as fully as the judge might do acting as clerk of such court. The county clerk or the person designated by the county judge issuing such process shall be entitled to the same fees and subject to the same responsibilities as the judge would have been. The judge may require the county clerk or other designated person to give bond for the faithful performance of his duties. Such order shall not prevent the judge from acting as clerk of the quarterly court in any case in which he may choose so to act. If no such order is made, the county clerk shall, in the absence of the county judge from his office, act as clerk of the quarterly court in the same manner as if such order had been made.

§ 3. The county clerk or the person appointed shall, at the commencement of each term of the quarterly court, deliver to the presiding judge all process of such court returned to him, and all papers filed with him relating to actions pending in such court.

§ 4. In counties having a city of the second class the fiscal court may, in lieu of the fees for issuing process, pay to the county clerk or other person designated by the judge to act as clerk of the quarterly court a salary not to exceed $150 per month for acting as such clerk. If the salary is paid, the county clerk or other designated person shall at the end of each three months, report to the fiscal court and pay to the county treasurer all fees collected.

§ 5. This act shall not apply to any county having a population of 250,000 inhabitants or more.

§ 6. Section 703 of the Civil Code of Practice is repealed.

§ 7. If the Kentucky revised Statutes are enacted at the present session of the General Assembly, this Act shall be

treated as repealing KRS 25,480, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Bevins.

H. B. 138. AN ACT relating to and providing for the extension of teacher's certificates in the Commonwealth of Kentucky; the length of time and by whom extended; providing for the payment of fees in connection with the extension of same; and declaring the terms under which same may be extended.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any teacher who has taught school in Kentucky for twenty years or more is entitled to a certificate permitting him or her to teach in the elementary schools of this state for life, and this Act shall apply to certificates issued under Chapter 13, Special Session 1934. Applications for such certificates shall be accompanied by a fee of two dollars, to be collected by the Department of Education and delivered to the State Treasurer to be credited to the General Fund.

H. B. 139. An Act requiring persons, owning, leasing or occuping any lot of land abutting upon any sidewalk within the corporate limits of any municipal corporation within the Commonwealth of Kentucky to prevent dirt from such lot falling or washing on to the adjacent sidewalk; providing that any violation which results in damage to one using the adjacent sidewalk shall render the person or persons guilty of the violation primarily liable to the person damaged; and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Any person owning, leasing or occupying any lot of land abutting upon any sidewalk within the corporate limits of any municipal corporation within the Commonwealth of Kentucky, whose abutting property is higher than the adjacent sidewalk, regardless of whether the level of his lot was originally higher than the grade of the sidewalk or whether the level of the sidewalk has been lowered by a subsequent grading of the street, in order to prevent the dirt or ground from caving in or being washed upon the sidewalk, shall erect and maintain in good repair a retaining wall of stone, brick or other suitable material; or in lieu thereof shall grade his lot in such a way that the slope thereof adjacent to the sidewalk shall not exceed one and one-half to one, and shall plant or sod said slope and maintain same in such a way as to prevent the washing of dirt therefrom.

Section 2. In the event that a violation of this statute results in the death of or an injury to any person, or the destruction or damage of the property of any person, lawfully using said sidewalk, the person or persons guilty of such violation shall be primarily liable to the estate or person injured or damaged thereby.

By Mr. Brooks.

H. B. 140. An Act relating to Elections.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1482b of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

The stub books, secondary stubs, ballots, tally sheets, linen envelopes and voters' affidavits shall, after the results of the election have been certified, remain in the office of the county clerk as a part of his records for a period of two years.

If at the expiration of the said two years there is no contest, recount or criminal prosecution pending involving the same, the clerk shall deliver the same to the appropriate authority for use in supplying paper needed in National Defense. If a contest, recount or criminal prosecution is pending at the end of the two years' period, the clerk shall make a similar disposition of such material when authorized by order of the judge of the court in which the proceeding or prosecution is pending. After the termination of the present National Emergency the clerk shall, at the end of the two years' period above referred to, or when authorized by the circuit judge of the county, sell the material for the best price obtainable and pay the proceeds into the county treasury, after taking proper precautions to see that no information as to how any voter has voted can be obtained from examining such material. If no sale can be made the material shall be destroyed.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (3) of KRS 118.390, and shall thereafter be treated as an amendment to subsection (3) of KRS 118.390 rather than an amendment to section 1482b of Carroll's Kentucky Statutes.

By Mr. Shaikun.

H. Res. 21. A Joint Resolution Authorizing Joseph S. Chamberlain, Sadie B. Chamberlain, Rodney Chamberlain, 19 years old, and Elizabeth Chamberlain, 16 years old, by their Statutory guardian TO SUE THE COMMONWEALTH OF KENTUCKY:

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Joseph S. Chamberlain, Sadie B. Chamberlain, Rodney Chamberlain, 19 years old, and Elizabeth Chamberlain, 16 years old, by their Statutory guardian is/are authorized to sue the Commonwealth of Kentucky in Jefferson County Circuit Court for damages resulting from personal injury (or property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $5,000.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Bevins.

H. Res. 22. A Joint Resolution authorizing Moses Ramsey, administrator of the estate of Rose Ramsey to sue the Commonwealth of Kentucky:

Said Resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Moses Ramsey, administrator of the estate of Rose Ramsey, is authorized to sue the Commonwealth of Kentucky in Pike Circuit Court for damages resulting from the death of Rose Ramsey, caused by alleged negligence on the part of the employees of the Department of Highways of the Commonwealth of Kentucky while said employees were in line of duty as employees of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury

By Mr. Bevins.

H. Res. 23. A Joint Resolution authorizing the personal representative of the estate of Crate Ramsey to sue the Commonwealth of Kentucky:

Said Resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT the personal representative of the estate of Crate Ramsey is authorized to sue the Commonwealth of Kentucky in Pike Circuit Court for damages resulting from the death of Crate Ramsey, caused by alleged negligence on the part of the employees of the Department of Highways of the Commonwealth of Kentucky while said employees were in the line of duty as employees of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Bevins.

H. Res. 24. A Joint Resolution authorizing the personal representative of the estate of Walter Ramsey to sue the Commonwealth of Kentucky:

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT the personal representative of the estate of Walter Ramsey is authorized to sue the Commonwealth of Kentucky in Pike Circuit Court for damages resulting from the death of Walter Ramsey, caused by the alleged negligence on the part of the employees of the Department of Highways of the Commonwealth while said employees were in the line of duty as employees of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Bevins.

H. Res. 25. A Joint Resolution authorizing Roxie Adkins, administrator of the estate of Lee Adkins, to sue the Commonwealth of Kentucky:

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Roxie Adkins, administrator of the estate of Lee Adkins, is authorized to sue the Commonwealth of Kentucky in the Pike Circuit Court for damages resulting from the death of Lee Adkins, caused by alleged negligence on the part of the employees of the Department of Highways of the Commonwealth of Kentucky while said employees were in the line of duty as employees of this Commonwealth.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argumeont to the jury.

By Mr. Jarboe.

H. Res. 26. A Joint Resolution authorizing Raymond Glasscock to sue the Commonwealth of Kentucky:

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Raymond Glasscock is/are authorized to sue the Commonwealth of Kentucky in Marion County Circuit Court for damages resulting from personal injury (and property damage) caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum nor in excess of $350.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim (or claims) against the Commonwealth herein and settle said claim (or claims) before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argumeont to the jury.

Ordered that said bills and resolutions be printed and referred.

Mr. Ward moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

MONDAY, JANUARY 26, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson, Jr.	Dr. J. A. Duff	A. L. Love
George P. Anderson	Forest C. Easley	William Lovett
Henry Arrowood	Harry W. Ennis	Harry K. Lowman
William F. Ball	John D. Fields	Hugh D. Lyon
Robert E. Barry	T. P. Fitzpatrick	H. McCartney
W. T. Beard	Joseph J. Grace	Cary McDevitt
Robert E. Beatty	A. G. Hamilton, Jr.	Norris McPherson
H. M. Brock, Jr.	Fuller Harding	Dr. Wm. C. Mann
Gus A. Brooks	E. R. Hilton	Ed. Marcum
Sherman E. Carter	Clyde S. Howard	C. C. May
C. L. Clayton	Jerry F. Howell	J. Milton Mefford
T. Fowler Combs	Chas. O. Humston	D. J. Moore
Oris Cooper	Joe B. Jarboe, Jr.	J. Lee Moore
M. A. Cornett	Crow Jarvis	L. D. Moore
John Henry Cox	William L. Jones	C. E. Montgomery
Rev. W. W. Crouch	John S. Juett	F. E. Morancy
Guthrie F. Crowe	W. A. Lamkin	E. R. Morlidge
Pink G. Curd	H. W. Linville	C. Sid Nabb

Coy Nevitt	Carl Scheben	Roy L. Taylor
Robert Nicholas	Leon J. Shaikun	John L. Trumbo
H. C. Patterson	Faust Y Simpson	Erna E. Tyra
Paul Pelfrey	Clyde Smith	J. Wood Vance
B. W. Porter	Otto Smither	S. J. Wagner
Kleber F. Price	Charles L. Spilman	C. R. Walden
James E. Quill	James D. Stacey	Harry Walters
L. Allen Rhoads	J. Claude Stacy	H. A. Ward
Dr. J. J. Rice	R. C. Stephenson	Henry Ward
Dr. M. M. Robinson	Thomas M. Swope	H. L. Waterfield
Byron H. Royster	C. W. Taylor	E. Reed Wilson
Dr. K. N. Salyer	Egbert Taylor	

Mr. Scheben moved that the reading of the Journal of Friday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Grace moved that Master Lee Allen Rhoads be appointed an Honorary Page of this House.

Said motion was agreed to.

Mr. Fitzpatrick moved that the privilege of the floor be extended to Mr. Ben Kees of Covington, Ky.

Said motion was agreed to.

Mr. Howard moved that Mr. Zach Lusby of Elizabethtown, Kentucky, be extended the privilege of the floor.

Said motion was agreed to.

Mr. Trumbo moved that the privilege of the floor be extended to Mrs. Howard Trumbo and Miss Edwena Harrison.

Said motion was agreed to.

Mr. Royster moved that the privilege of the floor be extended to Mr. T. W. Johnson of Dixon, Kentucky.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 77. An Act relating to dogs.

With a Committee amendment thereto by way of Substitute therefor.

H. B. 65. An Act to repeal, amend, and re-enact Chapter 9 of the Acts of the General Assembly, 1940, relating to bond weighmen in stockyards.

With Committee amendments thereto.

H. B. 91. An Act relating to appropriations for the State Soil Conservation Committee.

H. B. 89. An Act relating to appropriations for the Division of Banking.

S. B. 10. An Act amending the Reorganization Act.

With Committee Amendments thereto.

H. B. 71. An Act prohibiting deficiency judgments.

H. B. 104. An Act providing for Civil Service for policemen and firemen in cities of the fourth class.

H. B. 90. An Act to amend Sec. 2739g-77 of Carroll's Kentucky Statutes, 1936 Edition.

Ordered that said bill be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles, only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 55. An Act relating to taxation.

Mr. Tyra moved that said bill be laid on the Clerk's desk with leave to consider at any time.

Said motion was agreed to.

Mr. Grace moved that the Rules of this House be suspended and that a bill entitled:

H. B. 4. An Act relating to the Legislative Council.

Be taken from the Clerk's desk and recommitted.

Said motion was disagreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 43. An Act relating to public education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4421c-1 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

The Superintendent of Public Instruction, subject to the approval of the State Board of Education, shall purchase textbooks from the publishers whose books have been adopted by the State Textbook Commission and distribute them without cost to pupils attending grades one to twelve of the public schools of the state, in the manner and upon the conditions set out in Sections 4421c-2 to 4421d-1, Carroll's Kentucky Statutes, 1936 edition.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, Section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 157.100, and shall thereafter be treated as an amendment to KRS 157.100 rather than an amendment to Section 4421c-1, Carroll's Kentucky Statutes, and the numbers "KRS 157.100 to 157.180" shall be substituted for "Sections 4421c-2 to 4421d-1 of Carroll's Statutes" in Section one.

Mr. May moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Queestion be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Fuller Harding	E. R. Morlidge
George P. Anderson	E. R. Hilton	C. Sid Nabb
Henry Arrowood	Clyde S. Howard	Coy Nevitt
William F. Ball	Jerry F. Howell	Paul Pelfrey
Robert E. Beatty	W. H. Hunt	Byron H. Royster
H. M. Brock, Jr.	Joe B. Jarboe, Jr.	Dr. K. N. Salyer
Sherman E. Carter	William L. Jones	Clyde Smith
C. L. Clayton	W. A. Lamkin	Charles L. Spilman
T. Fowler Combs	H. W. Linville	James D. Stacey
Oris Cooper	A. L. Love	R. C. Stephenson
M. A. Cornett	William Lovett	Thomas M. Swope
John Henry Cox	Cary McDevitt	C. W. Taylor
Rev. W. W. Crouch	Dr. Wm. C. Mann	Egbert Taylor
Dr. J. A. Duff	C. C. May	John L. Trumbo
Forest C. Easley	J. Milton Mefford	Erna E. Tyra
Harry W. Ennis	D. J. Moore	J. Wood Vance
John D. Fields	J. Lee Moore	C. R. Walden
T. P. Fitzpatrick	L. D. Moore	H. A. Ward
A. G. Hamilton, Jr.	C. E. Montgomery	—56

Those who voted in the negative were—

W. T. Beard	F. E. Morancy	Faust Y. Simpson
Guthrie F. Crowe	Robert Nicholas	Otto Smither
Joseph J. Grace	H. C. Patterson	J. Claude Stacy
Chas. O. Humston	Kleber F. Price	Roy L. Taylor
Crow Jarvis	L. Allen Rhoads	S. J. Wagner
Hugh D. Lyon	Dr. J. J. Rice	Henry Ward
H. McCartney	Dr. M. M. Robinson	H. L. Waterfield
Norris McPherson	Carl Scheben	E. Reed Wilson
Ed. Marcum	Leon J. Shaikun	—26

Resolved that the title thereof be as aforesaid.

Mr. May moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from the Senate announcing that they had passed bills which orignated in this House, entitled, viz.:

H. B. 7. An Act relating to obligations of rural electrical cooperative corporations.

H. B. 2. An Act relating to public education.

H. B. 8. An Act relating to periods within which civil action shall be taken.

H. B. 5. An Act providing for special police during National Emergency.

With an amendment thereto as proposed and adopted by the Senate.

(For bill see House Journal January 14)

Said amendment as proposed and adopted by the Senate, is as follows, viz.:

Amend Paragraph 2, line 7 of H. B. 5 by adding the following paragraph:

"The person making application for appointment under the provisions of this Act shall pay a fee of $1.00 only to the Secretary of State to be placed in the Revolving Fund and used by the Secretary of State only to defray the expenses of administering this Act."

Said amendment was concurred in.

Said bill was then passed, as amended.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.
George P. Anderson
Henry Arrowood
William F. Ball
Robert E. Barry
W. T. Beard
Robert E. Beatty
H. M. Brock, Jr.
Gus A. Brooks
Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
W. W. Freeman
Joseph J. Grace
A. G. Hamilton, Jr.
Fuller Harding
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
Chas. O. Humston
Joe B. Jarboe, Jr.
Crow Jarvis
William L. Jones
John S. Juett
W. A. Lamkin
H. W. Linville
A. L. Love
William Lovett
Hugh D. Lyon
H. McCartney
Cary McDevitt
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Dr. M. M. Robinson
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Clyde Smith
Otto Smither
Charles L. Spilman
James D. Stacey
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
John L. Trumbo
J. Wood Vance
S. J. Wagner
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson

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Mr. Simpson moved that the vote by which said bill was

passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Ordered that said bills be delivered to the Enrolling Clerk of this House.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 86. An Act to repeal, amend and re-enact Section 2015, Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,

that Section 2015, Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that when amended and re-enacted, the said Section shall read as follows:

§ 1. "The several County Courts shall have jurisdiction for the appointment and removal of guardians to minors, and the settlement of their accounts. The County Court of the County in which the minor resides at the time of appointment shall have the jurisdiction; but if the appointment is made by the will of the Father or Mother of the minor, then the jurisdiction shall be in the County Court of the County in which the will was probated; and if the minor be a non-resident of the State of Kentucky and has real estate or an interest in real estate in the State of Kentucky, the jurisdiction shall be in the County Court of that County in which some portion of such real estate may lie; if the minor be a

non-resident of the State of Kentucky and has no real estate or interest in real estate in the State of Kentucky, but has personal property in the State of Kentucky, then the jurisdiction shall be in the County Court of that County in which such personal property is located; if the minor be a non-resident of the State of Kentucky and has real estate or personal property or an interest in real estate or personal property in more than one County in the State of Kentucky, then the jurisdiction shall be in the County Court of either or any of such counties in which the real estate or personal property is located which first takes jurisdiction in proceedings for the appointment of a guardian, and the appointing of a guardian for a minor who is a non-resident as herein provided for the guardianship shall be only for that property or interest in property within the State of Kentucky. In the event of a minor who resides in the State of Kentucky but has no property within the State of Kentucky, either real or personal, but it is necessary that a guardian be appointed to give consent to marriage, or enlistment in the Army or Navy, or in any other case where the law requires the consent of a guardian, then and in that event the County Court of the County in which the minor has resided not less than one year shall have the jurisdiction and authority to appoint a guardian for the purpose of giving such consent.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 387.020, and thereafter be treated as an amendment to KRS 387.020 rather than an amendment to § 2015 of Carroll's Statutes.

Mr. Stephenson moved the Previous Question.

Thereupon the Speaker announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Clyde S. Howard	Coy Nevitt
Henry Arrowood	Jerry F. Howell	Robert Nicholas
William F. Ball	Chas. O. Humston	H. C. Patterson
Robert E. Barry	Joe B. Jarboe, Jr.	Paul Pelfrey
W. T. Beard	Crow Jarvis	B. W. Porter
H. M. Brock, Jr.	William L. Jones	Kleber F. Price
Gus A. Brooks	John S. Juett	James E. Quill
Sherman E. Carter	W. A. Lamkin	L. Allen Rhoads
C. L. Clayton	H. W. Linville	Dr. J. J. Rice
T. Fowler Combs	A. L. Love	Wade H. Riley
Oris Cooper	William Lovett	Dr. M. M. Robinson
M. A. Cornett	Hugh D. Lyon	Byron H. Royster
John Henry Cox	H. McCartney	Dr. K. N. Salyer
Rev. W. W. Crouch	Cary McDevitt	Carl Scheben
Guthrie F. Crowe	Norris McPherson	Leon J. Shaikun
Pink G. Curd	Dr. Wm. C. Mann	Faust Y. Simpson
Dr. J. A. Duff	Ed. Marcum	Clyde Smith
Forest C. Easley	C. C. May	Otto Smither
Harry W. Ennis	J. Milton Mefford	Charles L. Spilman
John D. Fields	D. J. Moore	James D. Stacey
T. P. Fitzpatrick	J. Lee Moore	J. Claude Stacy
Joseph J. Grace	L. D. Moore	R. C. Stephenson
A. G. Hamilton, Jr.	C. E. Montgomery	Thomas M. Swope
Fuller Harding	E. R. Morlidge	C. W. Taylor
E. R. Hilton	C. Sid Nabb	Egbert Taylor

Roy L. Taylor	S. J. Wagner	H. L. Waterfield
John L. Trumbo	C. R. Walden	E. Reed Wilson
Erna E. Tyra	H. A. Ward	
J. Wood Vance	Henry Ward	--85

Resolved that the title thereof be as aforesaid.

Mr. Stephenson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 51. An Act relating to crimes and punishment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 1194 and 2739g-58 of Carroll's Kentucky Statutes, 1936 edition, are consolidated into one section and amended to read as follows:

(1) Any person guilty of larceny of money or other property of the value of twenty dollars or more shall be confined in the penitentiary for not less than one nor more than five years.

(2) Any person who unlawfully takes, drives or operates a vehicle without the knowledge and consent of the owner shall be punished as provided in subsection (1) of this section.

(3) Any person who unlawfully takes any part or accessory of a motor vehicle with intent to convert it to his own use, without the consent of the owner, whether or not such part or accessory is attached to a motor vehicle and regardless of the value of the part or accessory, shall be confined in the penitentiary for not less than two nor more than ten years.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 433.220, and shall thereafter be treated as an amendment to KRS 433.220 rather than an amendment to §§ 1194 and 2739g-58 of Carroll's Statutes.

Mr. Walden offered the following amendment to said bill, viz:

Amend H. B. 51 on page 1, Sections 1, lines 13 and 14 by striking out the word "two" in line 12 and in lieu thereof add the word "one" and by striking out of line 14 the word "ten" and adding in lieu thereof the word "five."

Said amendment was agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.
Henry Arrowood
William F. Ball
Robert E. Barry
W. T. Beard
Robert E. Beatty
H. M. Brock, Jr.
Gus A. Brooks
Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
Joseph J. Grace
A. G. Hamilton, Jr.
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
Chas. O. Humston
Crow Jarvis
William L. Jones
John S. Juett
W. A. Lamkin
H. W. Linville
A. L. Love
William Lovett
Hugh D. Lyon
H. McCartney
Cary McDevitt
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
D. J. Moore
J. Lee Moore
L. D. Moore
C. E. Montgomery
F. E. Morancy
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Dr. M. M. Robinson
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Clyde Smith
Otto Smither
Charles L. Spilman
James D. Stacey
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
John L. Trumbo
J. Wood Vance
S. J. Wagner
C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson

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There noted in the negative—

George P. Anderson —1

Resolved that the title thereof be as aforesaid.

Mr. Walden moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

A message was received from His Excellency, Keen Johnson, Governor of Kentucky, which is in words and figures as follows, viz:

TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES
Greetings:

As Governor of the Commonwealth of Kentucky, I hereby certify to you that Amendments Nos. 1 and 2 to the Constitution of the Commonwealth of Kentucky submitted to the voters at the last general election, were adopted by a majority vote of the voters of the Commonwealth of Kentucky and that said amendments are now a part of the constitution of the Commonwealth of Kentucky, and such legislation as may be necessary to enforce the provisions of these amendments will be now proper and in order at the present 1942 session of the General Assembly.

Done at Frankfort, Kentucky this the tenth day of January in the year of our Lord one thousand nine hundred and forty-two and in the year of the Commonwealth the one hundred and fiftieth.
Keen Johnson, Governor
Commonwealth of Kentucky

George Glenn Hatcher
Secretary of State.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 58. An Act relating to diseased livestock.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 63c-13 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

DUTIES OF BOARD; ENFORCE LAW; ADOPT REGULATIONS; INVESTIGATIONS; LITERATURE; QUARANTINES; SANITARY MEASURES; EMPLOY NECESSARY ASSISTANTS AND FIX THEIR SALARIES; ENTRY ON PRIVATE PREMISES.—That the Board is hereby charged with the enforcement of the provisions of this Act, and it shall be the duty of said Board to adopt and enforce such measures as it may deem necessary to improve and protect the livestock industry of this State, and to prevent, suppress, control, and eradicate any communicable disease of livestock; to investigate the prevalence of communicable diseases in livestock upon receipt of reports of same; to issue such circulars, pamphlets, bulletins or other literature as it may deem necessary for public distribution; to give information and instruction to farmers, breeders, and feeders of livestock in the nature, cause, prevention, and control of communicable diseases; to regulate the importation, sale, use, and distribution of biological, chemical or other products, substances or material used in the diagnosis, treatment or prevention of livestock diseases, to receive and receipt for all moneys receivable from licenses provided for in this Act; and for the purpose of carrying out the provisions of this Act the Board is hereby authorized and empowered to cooperate with the Kentucky Agricultural Experiment Station in conducting the necessary scientific investigations relating to the cause, nature, prevention, and treatment of communicable diseases in livestock; to establish, maintain, and enforce such quarantine and other measures as it may

deem necessary in controlling the movement of livestock into, through or within the State; to order and enforce the cleaning and disinfection of premises and all articles and materials by which communicable diseases may be transmitted, and the destruction of diseased and exposed animals and all such property and materials as may be necessary in the eradication of disease; to adopt, issue, and enforce such rules and regulations as it may deem necessary in preventing the spread of communicable diseases; to print, or to have printed, such circulars, pamphlets, bulletins or other literature as may be necessary, and to distribute same; to regulate the importation, sale, use, and distribution of biological, chemical or other products, substances or materials used in the diagnosis, treatment or prevention of livestock diseases when the provisions of the Kentucky Statutes, Section 63c-10 of this Act have been complied with; to employ the necessary scientific, field, stenographic, and clerical assistants and to fix their salaries.

Subsection a. Whenever the Board may consider it necessary to employ the services of veterinarians in any part of the State for the purpose of carrying out the provisions of this Act, they may be employed and shall be paid not to exceed ten dollars per diem and their necessary traveling and other expenses incurred while engaged in the discharge of their official duties.

Subsection b. The Board, or any of its members, representatives, agents or employees, are empowered to enter premises, public or private, for the purpose of making the necessary inspections, or in any way enforcing the provisions of this Act, and when necessary to call upon the sheriff, his deputies, constables, police, or other officers for assistance in enforcing the law, rules, and regulations; and it shall be the duty of such officers to render such assistance when ordered so to do by the Board, or any of its members, representatives, agents or employees.

Subsection c. Any person who shall violate any ruling of the Board, or who shall hinder or hamper any agent of the Board in carrying out the duties assigned to him, or any officer who refuses to enforce the provisions of this Act when called upon by the Board to do so, or any other person who in any way attempts to hinder or obstruct the Board in carrying out the provisions of this Act, shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than $25.00 nor more than $100.00 for each offense.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

KRS 257.270 shall be amended to read as follows:

The Board may employ veterinarians for the purpose of carrying out the provisions of this chapter. The veternarians shall be paid not more than $10.00 per diem and their necessary expenses incurred in the discharge of their official duties.

A new subsection shall be added to KRS 257.990 which shall read as follows:

Any person who violates any ruling of the Board or who hinders any agent of the Board in carrying out the duties assigned to him, or any officer who refuses to enforce the provisions of this chapter when called upon by the Board to do so, or any other person who in any way attempts to hinder or obstruct the Board in carrying out the provisions of this chapter shall be fined not less than $25.00 nor more than $100.00 for each offense.

§ 3. The repeal of section one of this Act as provided in

section 2 shall not affect any section of the Kentucky Revised Statutes except as indicated in section 2.

Mr. Crowe moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Dr. J. A. Duff	A. L. Love
George P. Anderson	Forest C. Easley	William Lovett
Henry Arrowood	Harry W. Ennis	Hugh D. Lyon
William F. Ball	John D. Fields	H. McCartney
Robert E. Barry	T. P. Fitzpatrick	Cary McDevitt
W. T. Beard	Joseph J. Grace	Norris McPherson
H. M. Brock, Jr.	A. G. Hamilton, Jr.	Ed. Marcum
Gus A. Brooks	Fuller Harding	C. C. May
Sherman E. Carter	E. R. Hilton	J. Milton Mefford
C. L. Clayton	Clyde S. Howard	D. J. Moore
T. Fowler Combs	Jerry F. Howell	J. Lee Moore
Oris Cooper	Chas. O. Humston	L. D. Moore
M. A. Cornett	Joe B. Jarboe, Jr.	C. E. Montgomery
John Henry Cox	Crow Jarvis	E. R. Morlidge
Rev. W. W. Crouch	William L. Jones	C. Sid Nabb
Guthrie F. Crowe	John S. Juett	Coy Nevitt
Pink G. Curd	H. W. Linville	Robert Nicholas

Paul Pelfrey	Otto Smither	Erna E. Tyra
B. W. Porter	Charles L. Spilman	J. Wood Vance
Kleber F. Price	James D. Stacey	C. R. Walden
James E. Quill	J. Claude Stacy	Harry Walters
L. Allen Rhoads	R. C. Stephenson	H. A. Ward
Dr. J. J. Rice	C. W. Taylor	Henry Ward
Dr. K. N. Salyer	Egbert Taylor	H. L. Waterfield
Carl Scheben	Roy L. Taylor	
Leon J. Shaikun	John L. Trumbo	—76

Resolved that the title thereof be as aforesaid.

Mr. Crowe moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

By order of the Speaker and without objection, today's session was extended indefinitely.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 82. An Act relating to indexes to county records.

Mr. Ward moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 93. An Act providing for airports for cities and counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. As used in this Act, unless the context otherwise requires:

(1) "Airport" includes landing field and aviation field; and

(2) "Airport board" or "board" means a board appointed as provided in section four, but this board may be known by whatever title the city or county or city and county may designate.

(3) "City" means any city of the second, third, fourth or fifth class, and "city and county" means a city and county jointly acquiring an airport under section two.

§ 2. (1) Any city of the second, third, fourth, fifth or sixth class, or any county or any such city jointly with the county in which it is located may acquire, either by lease, purchase, gift or condemnation, in the same manner as park property is condemned, any land necessary or suitable for establishing airports within or without the limits of such city or county. Such cities and counties may erect, equip, operate and maintain, on the land, buildings, equipment, runways and other things necessary or proper for the establishment and maintenance of airports.

(2) All airports already acquired by cities or counties or cities and counties mentioned in subsection (1) shall be subject to the provisions of this Act, but this Act shall not impair existing contracts as to the acquisition and use of such airports.

§ 3. The city or county or city and county may lease the

airport to one or more persons upon such terms as may be provided by ordinance or resolution, or may place the management and control of the airport under an airport board, or may operate the airport without the appointment of a board.

§ 4. (1) The city or county, or city and county may by ordinance or resolution provide for the appointment of an airport board composed of six members, to operate, manage and control the airport. The legislative body of the city or county, or city and county shall, by the adoption of such ordinance or resolution, prescribe the rules and regulations by which the board shall be governed.

(2) The members of the airport board shall be citizens, taxpayers and legal voters of the county, and no member of the board shall be interested directly or indirectly in any contract for the furnishing of supplies or of service of any kind to the airport.

(3) The first airport board appointed shall serve for terms as follows: Two for one year, two for two years, and two for three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years. In the case of an airport jointly owned by a city and county the members shall be appointed so that the terms of one city member and one county shall expire each year.

(4) If at any time during his term of office any member of the airport board becomes a candidate for nomination or is elected or appointed to any public office, he shall automatically vacate his membership and another person shall be appointed to serve for the remainder of his term, or until a successor has been appointed.

§ 5. (1) The airport board shall be a body-politic and corporate, and shall have the usual corporate powers.

(2) The airport board may make and adopt its own bylaws, rules and regulations, not inconsistent with those of the legislative body or bodies creating it, for the orderly, efficient and economic operation of the airport.

§ 6. Members of the airport board shall serve without compensation unless by ordinance or resolution a salary is fixed, in which event the salary of each member of said board shall not exceed three hundred dollars per year.

§ 7. (1) The air port board shall choose a member of the board as president and shall also elect a secretary-treasurer who may or may not be a member of the board.

(2) The legislative body or bodies shall by ordinance or resolution fix the salary of the secretary-treasurer at not exceeding five hundred dollars per year. The secretary-treasurer shall execute an official bond, to be approved by the board and the cost thereof shall be paid by the legislative body or bodies which created the board.

§ 8. (1) The secretary-treasurer shall keep the minutes of all meetings of the board and shall also keep a set of books showing the receipts and expenditures of the board. He shall preserve on file duplicate vouchers for all expenditures. Such books and vouchers shall at all times be subject to the examination of the legislative body by whom the board is created.

(2) The secretary-treasurer shall annually in January transmit to the legislative body a detailed report of all acts and doings of the board. The report shall show a complete accounting of the board's financial obligations for the preceding year, an itemized account of all receipts and disbursements of money, and an itemized estimate of the money required for operation of the airport during the next year.

§ 9. The city or county or city and county may make rules and regulations for the use and safety of airports and may deny to anyone not a regular licensed pilot or student under a licensed pilot the right to use the airport. They may establish such rates, charges or fees for the use of the airports as they deem best. The airports shall be policed in the manner determined by the city or county or city and county.

§ 10. The city or county or city and county may contract with any person or governmental agency for the use of the airport. Such contract shall not prevent the general use of the airport by the citizens of the city or county.

§ 11. All moneys derived from the use of the airport shall be first applied to the maintenance of the airport, and the city or county or city and county may expend out of their general funds or any other funds available for the maintenance of the airport.

§ 12. The city or county or city and county may keep gasoline and oil on the airport for the fueling and refueling of aircraft and may sell it at prevailing prices to persons using the airport.

§ 13. The title to all property acquired under the provisions of this Act shall vest in the city or county or in both. All properties acquired for the establishment and maintenance of an airport shall be exempt from taxation to the same extent as other property used for public purposes. All fees charged or collected for the admission to or for the use of the airport shall also be exempt from taxation.

§ 14. Sections 2741q to 2741q-5 of Carroll's Kentucky Statutes, 1936 edition, and Chapter 169 of the Acts of 1938 are repealed.

§ 15. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section fifteen of this Act shall be treated as repealing KRS 183.300 to 183.360, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

§ 16. There being a state of war existing between the United States and the governments of Germany and Japan, it is necessary that full power of the Commonwealth of Kentucky be exercised at once to enact all legislation necessary to most effectively carry into effect the immediate establishment of airports and aviation fields for military and civilian use. Therefore, an emergency is declared to exist and this act shall take effect from and after its passage and approval by the Governor.

Mr. Quill offered the following amendment to said bill, viz.:

Amend H. B. 93 on page 1, Section 1, line 6 by striking the word "or" after the word "fourth" and inserting a comma in lieu thereof, and by adding the words "or sixth" after the word "fifth" and before the word "Class."

Said amendment was agreed to.

Mr. Quill moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of

said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those voting in the affirmative were—

C. W. Anderson, Jr.
George P. Anderson
Henry Arrowood
William F. Ball
Robert E. Barry
W. T. Beard
Robert E. Beatty
Douglas T. Bolling
H. M. Brock, Jr.
Gus A. Brooks
Sherman E. Carter
C. L. Clayton
T. Fowler Combs
Oris Cooper
M. A. Cornett
John Henry Cox
Rev. W. W. Crouch
Guthrie F. Crowe
Pink G. Curd
Dr. J. A. Duff
Forest C. Easley
Harry W. Ennis
John D. Fields
T. P. Fitzpatrick
Joseph J. Grace
A. G. Hamilton, Jr.
Fuller Harding
E. R. Hilton
Clyde S. Howard
Jerry F. Howell
Chas. O. Humston
Joe B. Jarboe, Jr.
Crow Jarvis
William L. Jones
W. A. Lamkin
H. W. Linville
A. L. Love
William Lovett
Hugh D. Lyon
H. McCartney
Cary McDevitt
Norris McPherson
Dr. Wm. C. Mann
Ed. Marcum
C. C. May
J. Milton Mefford
D. J. Moore
L. D. Moore
C. E. Montgomery
E. R. Morlidge
C. Sid Nabb
Coy Nevitt
Robert Nicholas
H. C. Patterson
Paul Pelfrey
B. W. Porter
Kleber F. Price
James E. Quill
L. Allen Rhoads
Dr. J. J. Rice
Wade H. Riley
Dr. M. M. Robinson
Byron H. Royster
Dr. K. N. Salyer
Carl Scheben
Leon J. Shaikun
Faust Y. Simpson
Clyde Smith
Otto Smither
Charles L. Spilman
James D. Stacey
R. C. Stephenson
Thomas M. Swope
C. W. Taylor
Egbert Taylor
Roy L. Taylor
John L. Trumbo
J. Wood Vance
S. J. Wagner
C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson

—85

Resolved that the title thereof be as aforesaid.

Mr. Quill moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Beard of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, bills of the following titles, viz.:

H. B. 2. An Act relating to public education.

H. B. 7. An Act relating to Rural Electric Cooperative corporations.

H. B. 8. An Act relating to periods within which civil actions may be taken.

S. B. 7. An Act to create a defense council.

Thereupon all other business was suspended, said bills were read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bills which originated in this House to the Senate.

Ordered that the bill which originated in the Senate be delivered to the Enrolling Clerk of the Senate.

After a time the Enrolling Clerk of this House delivered the original and enrolled copies of said bills, duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bills to the Governor.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Mr. Humston moved that the privilege of the floor be extended to Mr. William Carroll of Lexington, Kentucky.

Said motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 24. An Act to enable the several cities and counties of the Commonwealth of Kentucky to enter into inter-city or inter-county compacts for the purposes of establishing single purchasing units and setting up the merit system in such cities and counties. Providing for the appointment of an inter-city or inter-county Comptroller and the selection of an inter-city or inter-county Commission to direct the policies of the said cities or counties entering into such compacts.

With Committee amendments thereto.

Said bill is as follows, viz:

WHEREAS the operation of local governments are becoming increasingly more difficult due to the mounting cost of supplies, and whereas more rigid economy must be effected by the various local units of government in order that our citizens may the better assist in our program of National Defense, and whereas a great saving may be affected by mass purchasing of supplies and the induction of the merit system for personnel in the said local units of government, therefore—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1.

Two or more cities, or two or more counties, or counties and cities together within the Commonwealth of Kentucky, in order to promote greater economy, may enter into an inter-city or inter-county compact for the purposes of establishing a single purchasing unit and the merit system.

SECTION 2.

All of the expenses incurred due to the operation of said inter-city or inter-county compact shall be borne by the several cities or counties who have entered into such a compact, and each city or county shall bear its share of such expense in proportion to its population in relationship to the other cities or counties who have entered into said compact. Such an inter-city or inter-county compact unit shall make its own rules and regulations subject to the limitations of the existing statutes and further provisions of this Act.

SECTION 3.

As soon as practicable, after this Act shall have become law, the Department of Finance shall designate some person or persons duly qualified to draft a booklet setting forth the advantages of the merit system and the single purchasing unit, comparing the old system prior to 1936 with the new system set forth in the Kentucky Governmental Reorganization Act and the benefits that would accrue to any group of cities or counties complying with the provisions of this Act. These booklets shall be sent to every governmental unit within the Commonwealth of Kentucky, and the cost of preparing this booklet shall be paid from the appropriations to the Division of Publicity in the Department of Conservation.

SECTION 4.

Whenever a group of cities or counties have conducted preliminary meetings or discussions and have tentatively agreed to enter into a compact for the purposes of establishing the merit system and single purchasing unit, the group may notify the Commissioner of Finance, who shall refer such group to a contract agent who shall assist in the effecting of a permanent organization of such inter-city or inter-county compact. After such an organization has been set up, the said inter-city or inter-county group may reimburse the Commonwealth of Kentucky for whatever assistance and services it may have rendered the group, if the Commissioner of Finance deems it necessary to render a bill for such services to any inter-city or inter-county group.

SECTION 5.

A. Each city or county shall designate some person who is a member of either the Fiscal Court of the County, Council or Commission of the city to represent such city or county in all of the business transactions by the inter-city or inter-county commission according to the provisions of this Act. Such a representative or commissioner shall receive no compensation except in those cases where traveling expense is involved

B. Each commissioner shall have one vote, except in the case of a tie vote, at which time the Chairman shall cast two votes. The Commission shall determine the policies of the inter-city or inter-county compact in accordance with the provisions of this Act.

C. The commission shall appoint a Comptroller who shall be a certified public accountant or its equivalent, as may be determined by the examiner of his qualifications. He shall also have had some experience in a purchasing division of a

city, county, or large private enterprise. This rule shall be adhered to except in those cases where a person with such qualifications cannot be secured, in which case the comptroller who shall be appointed shall serve temporarily unless he agrees to qualify himself to hold the position permanently.

SECTION 6.

A. The comptroller shall assume full charge of the procurement of supplies and may set up a merit system for personnel, except in those cases where cities or counties have already adopted a merit system.

B. The comptroller may engage the services of the Division of Personnel of the Department of Finance to conduct tests and render any assistance the comptroller may require in the setting up of the merit system, for which services payment may be made upon demand of the Commonwealth of Kentucky.

SECTION 7.

The inter-city or inter-county commission shall hold regular meetings, and keep records of proceedings and make periodic reports to each city and county of the inter-city or inter-county compact.

SECTION 8.

A. The comptroller shall have access to all records, of cities or counties who have contracted to enter into this compact, that relate to personnel and the procurement of supplies. In no case shall the comptroller exercise authority over persons who have been appointed by elective officials whose terms have not expired at the time of the institution of the provisions of this Act, and at the expiration of the term of such official, the appointee may be retained if he qualifies by passing the prescribed merit test.

B. The comptroller shall purchase all supplies for the commission, except those things that maybe classified as emergencies as determined by the commission. The comptroller shall, after consultation with the Division of Purchases of the Department of Finance, or any other purchasing consultant, set up standards for the type of equipment to be ordered by him. Before purchasing any materials other than emergencies, competitive bids shall be required and the lowest bidder with approved quality goods shall receive the order.

C. At certain stated times, the various cities or counties of the said inter-city or inter-county compact shall file their requisitions for needed supplies. The comptroller, after examining the budget of such a city or county and determining the need for such materials, may approve or veto such a requisition. If he approves the order of the city or county, the process of purchasing may proceed and the respective city or county be charged with the account. If the requisition is vetoed, the commission may set aside the veto only by unanimous vote.

D. The comptroller shall serve under contract for a period of not less than two years and if it is desired to remove the comptroller during any fiscal year, that may only be done for cause and by a majority vote of the city or county administrative officials who are parties to the contract.

SECTION 9.

This Act shall not apply to the Legal Departments, Courts, or Boards of Education, or their personnel, of any city or county that may enter into such a compact.

Said amendments as proposed by the Committee are as follows, viz:

1. Amend H. B. 24 on page 2, Section 3 by striking out the entire section, lines 1 to 11, inclusive.

2. Amend H. B. 24 on page 2 and 3, Section 4 by striking out the entire section, lines 1 to 12, inclusive.

3. Amend H. B. 24 on page 4, Section 6B by striking out the entire sub-section, lines 4 to 8, inclusive

4. Amend H. B. 24 on page 4, section 8B lines 11 and 13 by striking out the following language: "After consultation with the Division of Purchases of the Department of Finance, or any other purchasing consultant."

5. Amend H. B. 24 as follows: Renumber the following sections: Section 5 to be Section 3; Section 6 to be Section 4; Section 7 to be Section 5; Section 8 to be Section 6; Section 9 to be Section 7

Said amendments were each and severally agreed to.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	H. M. Brock, Jr.	Guthrie F. Crowe
Henry Arrowood	Gus A. Brooks	Pink G. Curd
William F. Ball	C. L. Clayton	Dr. J. A. Duff
W. T. Beard	M. A. Cornett	Forest C. Easley
Robert E. Beatty	John Henry Cox	Harry W. Ennis
Douglas T. Bolling	Rev. W. W. Crouch	John D. Fields

T. P. Fitzpatrick	Ed. Marcum	Dr. K. N. Salyer
Joseph J. Grace	C. C. May	Carl Scheben
A. G. Hamilton, Jr.	J. Milton Mefford	Leon J. Shaikun
E. R. Hilton	D. J. Moore	Clyde Smith
Clyde S. Howard	L. D. Moore	Otto Smither
Chas. O. Humston	C. E. Montgomery	Charles L. Spilman
Crow Jarvis	E. R. Morlidge	James D. Stacey
William L. Jones	Coy Nevitt	R. C. Stephenson
John S. Juett	Robert Nicholas	Thomas M. Swope
W. A. Lamkin	H. C. Patterson	Egbert Taylor
H. W. Linville	Paul Pelfrey	Roy L. Taylor
A. L. Love	B. W. Porter	John L. Trumbo
William Lovett	Kleber F. Price	J. Wood Vance
Hugh D. Lyon	James E. Quill	S. J. Wagner
H. McCartney	Dr. J. J. Rice	H. A. Ward
Cary McDevitt	Wade H. Riley	Henry Ward
Norris McPherson	Dr. M. M. Robinson	E. Reed Wilson
Dr. Wm. C. Mann	Byron H. Royster	—71

Those who voted in the negative were—

Sherman E. Carter H. L. Waterfield —2

Resolved that the title thereof be as aforesaid.

Mr. Scheben moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Ward moved that the House do now recess for thirty minutes.

Said motion was agreed to.

And then the House recessed.

Thirty minutes having expired, the Speaker resumed the Chair and called the House to order.

Mr. Henry Ward moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committees to which the same had been previously referred, reported bills of the following titles, viz:

By Mr. Wilson of the Committee on Cities of Second Class.

H. B. 131. An Act authorizing the fiscal courts of any counties in this Commonwealth to maintain fire departments, etc.

H. B. 117. An Act authorizing and empowering cities to acquire, erect, maintain and operate a system of parking meters.

H. B. 110. An Act providing a sinking fund for building purposes in cities of the second class.

H. B. 94. An Act relating to elections.

With a Committee Amendment thereto.

By Mr. W. L. Jones of the Committee on Fish and Game No. 1-A.

H. B. 127. An Act relating to game and fish.

By Mr. Jarvis of the Committee on Public Ditches.

H. B. 84. An Act relating to drainage districts.

By Mr. Henry Ward of the Committee on Kentucky Statutes No. 1.

H. B. 99. An Act pertaining to trial commissioners to be appointed by county judges.

Without an expression of opinion.

H. B. 57. An Act pertaining to the covenants of county officers; surety bond and premium to be paid by the county.

With Committee amendment thereto.

By Mr. Vance of the Committee on National Parks.

H. B. 121. An Act relating to places of entertainment.

By Mr. Combs of the Committee on County and City Courts.

H. B. 105. An Act relating to office space for officers and employees of the Department of Welfare, Division of Old Age Assistance.

By Mr. Morancy of the Committee on Roads and Highways No. 1-A.

H. B. 116. An Act relating to the cutting and removal of brush.

By Mr. Stephenson of the Committee on Codes of Practice

H. B. 118. An Act amending, repealing and re-enacting Sec. 23 of Carroll's Kentucky Civil Code of Practice, relating to persons who may be made defendants; etc.

With the expression of opinion that said bills ought to pass with the exception of those specifically set out above.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz:

By Mr. J. D. Stacey.

H. B. 141. An Act relating to juries.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Each bystander summoned for jury service shall be paid three dollars per day for each day of jury service, and shall be entitled to pay even though he serves only one day.

By Mr. Quill.

H. B. 142. An Act to amend and reenact Section 772a-5 of Carroll's Kentucky Statutes, 1936 Revision, relating to the operation of passenger train service on railroads in this Commonwealth.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 772a-5 of Carroll's Kentucky Statutes, 1936 Revision, is amended to read as follows:

Upon the application of any carrier by railroad, and after such notice to the public and such hearing as the Com-

mission may by order prescribe, the Railroad Commission of Kentucky shall have the power to authorize common carriers by railroad to discontinue passenger service by railroad on any line of railroad or branch thereof in this State, whenever in the opinion of said railroad commission any such passenger service by railroad has been and is being carried on at a loss and there is no reasonable probability that such condition will in the future change for the better, or whenever any passenger service by railroad has for any reason become unnecessary in the public interest; and no carrier by railroad shall discontinue or modify any existing passenger service on any line of railroad or branch thereof until after said Railroad Commission shall have authorized the discontinuance or modification thereof in accordance with the provisions of this section

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (1) of KRS 276.480, and thereafter be treated as an amendment of KRS 276.480 rather than an amendment to § 772a-5 of Carroll's Statutes.

By Mr. Swope.

H. B. 143. An Act relating to Industrial Relations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky,

DEFINITIONS

SECTION 1. As used in this Act—

(a) "Person" means an individual, partnership, asso-

ciation, corporation, business trust, or any organized group of persons.

(b) "Defense contractor" means any individual, partnership, association or corporation engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used by the United States or by any of the States in the prosecution of defense or of war, or any individual, partnership, association or corporation engaged in or preparing to engage in the manufacture, transportation or storage of any article necessary to and to become part of any product to be used in the prosecution of defense or of war by the United States or by any of the States.

(c) The terms "employer", "employee", "representative", "labor organization", and "labor dispute" shall have their ordinary and commonly understood and accepted meanings, except that there shall be excluded from all of the provisions of this Act any employer or employee within the purview of the Railway Labor Act.

(d) "Department" means the Department of Industrial Relations.

(e) "Commissioner" means the Commissioner of Industrial Relations.

SEC. IA. It shall be unlawful for any labor organization in Kentucky knowingly or negligently to permit any member of the Communist Party of the United States or any member of the Young Communist League or any member of the German-American Bund or any person who has been convicted of a felony involving moral turpitude to hold any office, appointive or elective, in such labor organization.

MAINTENANCE OF STATUS QUO

SEC. 2. It shall be unlawful for a defense contractor to conduct a lock-out or for employees of a national-defense contractor to strike until after the expiration of thirty days from the date on which they or their representatives give to such contractor and the Commissioner written notice of their intention to do so together with a statement of their reasons for such intended strike or lock-out.

STRIKE BALLOTS

SEC. 3. It shall be unlawful for any officer or agent of a labor organization to call a strike until after the Commissioner has certified the result of a secret ballot taken, under the direction of the Department, of the employees employed at the plant, plants, or other place or places of employment, or in the bargaining unit or units, with respect to which the notice under section 2 applies. At any time after the employees of a defense contractor, or their representatives, give notice under section 2, such employees of any defense contractor or their representative may request the Commissioner to take, through the Kentucky Conciliation Service, a secret ballot of the employees at the plant, plants, or other place or places of employment, or in the bargaining unit or units, with respect to which such notice applies, for the purpose of determining whether such employees favor or oppose such proposed strike. Upon receiving any such request, the Commissioner shall direct the Kentucky Conciliation Service to take forthwith such secret ballot, and the Commissioner shall by order certify the results thereof, which shall be open to public inspection.

UNLAWFUL CONDITIONS OF EMPLOYMENT

SEC. 4. It shall be unlawful, notwithstanding any other provision of law, for a defense contractor to deny employment to any person in this State because of membership or

non-membership in or affiliation with or resignation from a labor union, or because of refusal to join or affiliate with a labor union, unless pursuant to a bona fide agreement entered into prior to the effective date of this Act.

VIOLENCE AND INTIMIDATION

SEC. 5. (a) It shall be unlawful for any person, by the use of force or violence or threats thereof, to prevent or to attempt to prevent any individual from accepting employment by, or continuing in the employment of, any defense contractor, or from entering or leaving any place of employment of such contractor in the course of such employment.

(b) Notwithstanding any other provision of this Act, it shall be unlawful for one or more persons, for the purpose of inducing any person to work or abstain from working for a defense contractor, to watch or beset a house or place where a person resides or the approach to such house or place.

(c) It shall be unlawful, notwithstanding any other provision of law, for one or more persons acting in contemplation or furtherance of a labor dispute to attend at or near a place where a defense contractor carries on business, for the purpose of obtaining or communicating information or of persuading or inducing any person to work or to abstain from working, unless such persons so attending, were, immediately prior to the beginning of such labor dispute bona fide employees of such contractor.

JURISDICTIONAL DISPUTES, BOYCOTTS, SYMPATHY STRIKES

SEC. 6. (a) It shall be unlawful, by means of a strike against a person (whether or not a defense contractor), or by means of a concerted refusal to work on, handle, or otherwise deal with articles or materials produced or manufactured by any such person, to induce or require or to attempt

to induce or require another person who is a defense contractor to recognize, deal with, comply with the demands of, or employ members of, any labor organization.

(b) It shall be unlawful by means of a strike against a defense contractor, or by means of a concerted refusal to work on, handle, or otherwise deal with articles or materials purchased, produced, manufactured, or used by a defense contractor, to induce or require or to attempt to induce or require such contractor to recognize, deal with, comply with the demands of, or employ members of, one labor organization instead of another labor organization with which such contractor has an applicable collective-bargaining agreement.

ENFORCEMENT

SEC. 7. (a) The circuit courts of the Commonwealth of Kentucky shall have jurisdiction to enjoin violations and threatened violations of any of the provisions of section 2, 3, 4, 5, or 6, and by appropriate order or decree to compel compliance with such provisions.

(b) Any person violating any of the provisions of section 2, 3, 4, 5, or 6 shall be liable to a civil suit to any person injured thereby for damages resulting from such injury.

(c) Any individual who violates any of the provisions of sections 2, 3, 4, 5, or 6 shall be deemed guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both.

REGISTRATION OF LABOR ORGANIZATIONS

SEC. 8. Within thirty days after the date of enactment of this Act and annually thereafter every labor organization in which employees of any defense contractor paprticipate,

through its president or other authorized officer, shall register its identity with the Department and shall state under oath the following information and such other information as the Department may by regulations require: The name of the labor organization; the address at which it has its principal office or does business; the names and titles of the officers; the company or companies with which the labor organization deals, if a local organization; the industry or industries in which the labor organization operates if a national organization or a craft; initiation fees; annual dues charged each member; assessments levied during the past twelve-month period; limitations on membership; number of paid-up members; date of the last election of officers; the method of election; the vote for and against each candidate for office; and the date of the last detailed financial statement furnished all members and the method of publication or circulation of such statement. With such information shall be filed under oath detailed and intelligible financial statements and a copy of the constitution and bylaws of the labor organization.

SEC. 9. Every labor organization established after the date of enactment of this Act in which employees of any defense contractor participate shall, when established and annually thereafter, register with the Department and furnish the information required of existing labor organizations under the provisions of section 8.

SEC. 10. Any labor organization which fails to register with the Department and file the information required by this Act shall be disqualified to act as the representative of employees in collective bargaining for such time as such failure shall continue.

REGULATIONS OF THE DEPARTMENT

SEC. 11. The Department shall have authority from time to time to make, amend, and rescind regulations provid-

ing appropriate procedures for carrying out the powers vested in it by this Act.

By Mr. M. M. Robinson.

H. B. 144. An Act to regulate the practice of dental hygiene, and vesting the regulation thereof in the Kentucky State Board of Dental Examiners.

Said bill is as follows:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Definitions.—(a) The term "dental hygiene" as used in this act shall mean the treatment of human teeth by removing therefrom calcareous deposits, and by removing accumulated accretion from directly beneath the free margin of the gums, and by polishing the exposed surface of the teeth: Provided that nothing of this act shall be so construed as to affect the practice of medicine or dentistry nor to prevent students of a dental college or university from practicing dental hygiene under supervision of their instructors.

(b) The term "dental hygienist" as used in this act shall mean any person who practices dental hygiene.

(c) The term "Board" as used in this act shall mean the Kentucky State Board of Dental Examiners, existing pursuant to the provisions of Section 2636-1 of the Kentucky Statutes, and amendments thereto.

Section 2. Administration. — The Board is hereby vested with authority and charged with the duty of administering the provisions of this act.

Section 3. Powers and Duties of Board.—The Board

shall meet as often and at such places as it deems necessary for examination of applicants who desire to practice dental hygiene in this State. The Board shall keep a record of the names, addresses, and license numbers, of all persons legally entitled to practice dental hygiene in this State.

The Board may adopt and enforce such rules and regulations as it deems necessary and reasonable to carry out the provisions of this act.

Section 4. Compensation to Members of Board.—The members of the Board shall be compensated and shall receive their expenses for administering the provisions of this act to the same extent and in the same manner as they are compensated and reimbursed for expenses in administering the provisions of Chapter 148 of the Acts of the 1938 General Assembly, as provided by Section 10 of said Chapter.

Section 5. Eligibility.—Any person of good moral character over twenty-one years of age who is a citizen of the United States of America, a graduate of an accredited high school, and has successfully completed two years of training in a school of dental hygiene that is approved by the Board, shall be eligible to take the examination for the practice of dental hygiene.

Section 6. Examination, Licenses, and Fees.—Any eligible person desiring to practice dental hygiene shall make written application to the Board to take the examination. Such application shall be accompanied by a written recommendation of two reputable dentists of this State, and by an examination fee of Twenty ($20.) dollars, which sum is authorized to be charged for each examination by the Board.

As soon as the Board has determined that an applicant

has successfully passed the examination, a license to practice dental hygiene in this State shall be issued by the Board to such applicant. The license shall be for one calendar year or for the remaining portion thereof if issued as of a date after January 1. Each license shall be renewed from year to year, except for cause as herein provided.

The Board shall charge three ($3.) dollars for each license or duplicate license or renewal license issued, which sum shall be paid in advance or at the time the license is issued.

Section 7. Practitioners.—No person shall practice dental hygiene nor hold himself out as a dental hygienist without a license issued by the Board, and unless he or she is an employee of a licensed and practicing dentist of this State and is under the continuous supervision and inspection of such dentist. The license shall be continuously displayed in a conspicuous place in the office of the licensee.

Section 8. Signature, Seal, etc., on License.—All licenses issued by the Board shall bear a serial number, the full name of the applicant, the date of the issue, the seal of the Board, and be signed by a majority of the members, and attested by its President and Secretary.

Section 9. Revocation or Suspension of License.—The Board may, upon complaint or upon its own motion, after a hearing, and after ten days notice, in writing, to the licensee of the time and place of hearing, revoke or suspend or refuse to renew the license of any dental hygienist by entering an order to that effect, together with is findings in respect thereto, if it shall be determined that such licensee:

(1) Has violated any of the provisions of this act or any regulation made hereunder; or

(2) Has made a material false statement in his application for examination; or

(3) No longer possess good moral character; or

(4) Directly or indirectly advertises or solicits for dental hygiene business; or

(5) Is grossly inefficient in his profession.

In any proceeding to revoke, suspend or refuse to renew the license of any licensee a certified copy of any order entered by the Board shall immediately be delivered or sent to the licensee by registered mail at his last known address.

Any licensee aggrieved by an order of the Board may, within thirty days from the date of entry of said order, appeal to the circuit court in and for the county in which was held the meeting of the Board at which the action of the Board complained of was taken. In case a person desires to take such an appeal he shall file with the clerk of the circuit court to which the appeal is taken a petition setting forth the grounds of appeal, and shall file with said clerk an appeal bond with good and sufficient security, to be approved by said clerk, to the State of Kentucky, conditioned for the speedy prosecution of such appeal, and the payment of such costs as may be charged against him upon such appeal. Summons on such an appeal shall be issued and may be served on the President or Secretary of the Board in any county in this State where either of them may be found. Within ten days after the service of summons on such appeal, the Secretary shall transmit to the clerk of the circuit court, to which said appeal is taken, a certified copy, under the seal of the Board, all evidence considered and orders entered by the Board in connection with said proceeding. The clerk of such court shall thereupon docket such appeal. The court shall only

hear and consider such documentary and other evidence as was heard and considered by the Board, and that is contained in the transcript upon which the appeal is taken. Either party may appeal from the judgment of the circuit court to the Court of Appeals in the manner as civil actions may be appealed thereto. The order of the board appealed from shall be stayed from the date of the approval of said bond until final determination of the appeal.

Section 10. Disposition of Fees.—All fees imposed and collected under the provisions of this act shall be paid to the Secretary-Treasurer of the board for the use of the Board, and shall be deposited in the State Treasury to the credit of a revolving fund for the use of the Board.

Section 11. Penalties.—Any person violating any provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed fifty ($50.) dollars, or by punishment in the county jail for a term not to exceed thirty days, or by both such fine and imprisonment.

Section 12. If the Kentucky Revised Statutes, are enacted at the present session of the General Assembly, the number "KRS 313.200" shall be substituted for "Section 2636-1 of the Kentucky Statutes, and amendments thereto," in subsection (c) of Section 1 of this Act, and the words and figures "Chapter 313 of the Kentucky Revised Statutes, as provided in KRS 313.070, 313.200 and 313.220" shall be substituted in place of "Chapter 148 of the Acts of the 1938 General Assembly, as provided by Section 10 of said Chapter" in Section 4 of this Act.

By Mr. Royster.

H. B. 145. An Act relating to dogs.

Said bill is as follows viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any resident housekeeper who is a citizen of the state may own and possess one dog of either sex, which shall be exempt from any taxes of the state or any taxing division of the state.

By Mr. Henry Ward.

H. B. 146. An Act relating to the establishment and operation of electric power systems and facilities by cities and counties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITIONS.

As used in this Act, unless the context requires otherwise:

(1) "Acquire" shall mean and include construct, acquire by purchase, by lease, devise, gift, or the exercise of the right of eminent domain in the manner now or hereafter provided by law for the exercise thereof and acquisition by any other mode.

(2) "Board" shall mean a board of public utilities established pursuant to Section 15.

(3) "Bonds" shall mean either general obligation bonds or revenue bonds.

(4) "Constitution" shall mean the Constitution of Kentucky.

(5) "Electric plant" shall mean and include any plant, works, systems, facilities and properties (including poles, wires, stations, transformers, and any and all equipment and machinery), together with all parts thereof and appurtenances thereto, used or useful in the generation, production, transmission or distribution of energy.

(6) "Energy" shall mean and include any and all electric energy no matter where or how generated, produced, transmitted or conveyed.

(7) "Electric service" shall mean the furnishing of electric power and energy for any purpose for which electric power and energy can be used.

(8) "General obligation bonds" shall mean direct or general obligations of any municipality, issued within the limits and subject to the provisions of Section 157 and 158 of the Constitution.

(9) "Governing body" shall mean the board, council, commission, fiscal court, or other general governing body of the municipality.

(10) "Governmental agency" includes the United States, the President, the Federal Works Agency, the Federal Lending Agency, Tennessee Valley Authority, or any other similar agency, instrumentality or corporation of the United States, or of Kentucky or any political subdivision thereof, created by or pursuant to any Act of Congress or by State legislation.

(11) "Improve" shall mean and include construct, reconstruct, improve, extend, enlarge, alter, better and repair.

(12) "Improvement" shall mean any improvement, extension, betterment or addition to any electric plant.

(13) "Law" shall mean any statute of this State.

(14) "Mayor" shall mean the mayor of any class city unless there be a city manager, then it shall mean the city manager, or the county judge of any county.

(15) "Municipality" shall mean any county, city, town or village or municipal corporation of any and every class in the Commonwealth of Kentucky.

(16) "Revenue bonds" shall mean obligations payable solely from the revenues derived from the operation of an electric plant and such bonds shall not constitute an indebtedness of any municipality within the meaning of the provisions or limitations of the Constitution.

(17) "Net revenues" shall mean revenues remaining after payments of (a) all payments provided for herein to be made to the State, county, school or other taxing district, (b) the payments of salaries, and premiums on bonds of officers and employees of the board; and (c) all other ordinary and necessary operating expenses of the board in the operation of the electric plant including reserves for depreciation.

Section 2. SCOPE OF ACT.

(1) The provisions of this Act shall not apply in the case of a municipality now operating an electric plant under any existing law, but the governing body of any such municipality may elect to operate under the provisions of this Act, in which case, from the time of the exercise of such election and the appointment of a board hereunder, the electric plant of such municipality shall be operated under the provisions of this Act.

(2) This Act is intended to be the complete law of this State with respect to municipalities acquiring electric plants after the effective date of this Act, and the complete law of this State with respect to the operation of electric plant acquired by any municipality after the effective date of this Act. Any proceedings heretofore taken by any municipality relating to the subject matter of this Act, whether or not commenced under any other law, may be discounted by the municipality and new proceedings instituted under this Act.

Section 3. POWER OF BOARDS.

Except as otherwise specifically provided in this Act, the board of the municipality shall exercise all powers conferred upon the municipality by this Act. Any board operating under the provisions of this Act shall have the legal power and capacity to perform any act not repugnant to law and shall have the express power and capacity to do any and all acts or things necessary or convenient for the carrying out of the purposes of this Act, including, but not by way of limitation, the following express powers:

(1) Acquire, hold and dispose of property, real and personal, tangible and intangible necessary or incident to the proper conduct of its business.

(2) Construct, acquire, own, lease, operate, maintain and improve electric plant or plants as defined in Section 1 of this Act, and may provide electric service to any user or consumer within and without the boundaries of any municipality, and charge and collect reasonable rates therefor.

(3) Construct, acquire, own, lease, operate, maintain and improve distribution or transmission line or lines, or generating plant or plants, together with all necessary and appropriate facilities, equipment and appurtenances, indi-

vidually or jointly with any other municipality or Rural Electric Cooperative Corporation organized under the laws of Kentucky for the purpose of generating, distributing, or transmitting electric power or energy and connecting their respective electric plants with a wholesale source of supply, and in the case of any such joint action, such municipalities and Rural Electric Cooperative Corporations may provide by contract for the method of holding title, for the allocation of responsibility, for operation and maintenance and for the allocation of expenses and revenues.

(4) Construct, own, lease, operate and control any and all works, lines, buildings and other facilities across, along, or under any street or public highway, and over any lands which are now or may be the property of the Commonwealth or of any county or municipality within this Commonwealth. The board shall, however, at its own expenses, restore any such street or highway to its former condition and state as nearly as may be possible and shall not use the same in a manner as to impair its usefulness or to interfere with or obstruct the maintenance thereof. Before exercising these powers the board shall obtain a permit or consent or approval in writing from the governing authority of the municipality, or the fiscal court, or the Department of Highways having appropriate jurisdiction over any and all of such respective streets or public highways.

(5) Accept gifts, grants of property, real or personal, including money, from any person, municipality, or federal agency, or both, and to accept voluntary and uncompensated services; provided, however, that when engineering services are required by any municipality or any board or any appraisers or board of appraisers, appointed pursuant to the provisions of this Act to render any services authorized or required or incident to surveys, plans, estimates of cost, or the valuation of property, or in the preparation

of reports authorized in this Act, no engineer who is engaged in whole or in part in the business of buying or selling any electric equipment, machinery, fixtures, materials, supplies, or the sale or purchase of bonds shall be eligible for employment or for any services whatsoever under the provisions of this Act. The limitations hereinabove provided shall also apply to any firm of engineers and to any member of any firm of engineers, if the firm or member of the firm is engaged, in whole or in part in the business of buying or selling any electric machinery, equipment, fixtures, materials, supplies, or the sale or purchase of bonds; and no such firm or member of such firm shall be eligible for employment or for any service whatsoever under the provisions of this Act. Provided, further, that the provisions of this section shall not be construed to prohibit the board or the governing authority of any municipality from obtaining the advice or services of any engineer in the regular employment of the State or any Federal governmental agency.

(6) Contract debts and borrow money for the acquisition or improvement of any electric plant, issue bond to finance such acquisition or improvement, provide for the rights of holders of the bonds and to secure the bonds as hereinafter provided, and pledge all or any of the net revenues derived from electric service to the payment of such debts or repayment of money borrowed.

(7) Acquire, hold, and, subject to the provisions of Section 29 and the applicable provisions of any bonds or contracts, dispose of any property, real or personal, tangible or intangible, or any right or interest in any such property in connection with any electric plant, and whether or not subject to mortgages, liens, charges, or other encumbrances.

(8) Make contracts and execute instruments containing such covenants, terms, and conditions as in the discretion of

the board may be necessary, proper, or advisable for the purpose of obtaining loans from any source, or grants, loans or other financial assistance from any governmental agency, including, but without limitation, covenants, terms, and conditions with respect to the acquisition or construction of any electric plant or any improvement thereto with money in whole or in part borrowed from or granted by any governmental agency; make all other contracts and execute all other instruments as in the discretion of the board may be advisable in or for the furtherance of the acquisition, improvement, operation and maintenance of any electric plant and the furnishing of electric service; and carry out and perform the covenants, terms, and conditions of all such contracts or instruments.

(9) Enter on any lands, waters and premises for the purpose of making surveys, soundings and examinations in connection with the acquisition, improvements, operation or maintenance of any electric plant and the furnishing of electric service.

(10) Do all acts and things necessary or convenient to carry out the powers expressly given in this Act.

(11) Make any contracts necessary or convenient for the full exercise of the powers herein granted, including, but not limited to, contracts for either the purchase or sale or both the purchase and sale of electric energy or power, and contracts for the acquisition or improvement of all or any part of an electric plant; and, in connection with any such contract with a governmental agency, the board may stipulate and agree to such covenants, terms, and conditions as the governing body deems appropriate including, but without limitation, covenants, terms, and conditions with respect to the resale rates, financial and accounting methods and the manner of disposing of the revenue of the electric plant con-

ducted and operated by the board, except that the board shall not have power to contract with the Tennessee Valley Authority or any other governmental agency for the purchase and resale of electric energy or power unless the contract shall provide that the resale rates of the board for electric service or electric energy shall be sufficient to cover all operating expenses, interest charges, and bond payments, other expenses, and payments to the state, any county, any school district, any municipality, and any other special taxing district in which the board operates, of amounts determined as provided in Section 25 of this Act; nor unless such contract provides that the payments to such taxing jurisdictions be made to them as hereinafter prescribed.

(12) Acquire a franchise to furnish electric service to any other municipality or county or the inhabitants thereof, and to contract with any other municipality or county to furnish it with electric service. Such contracts may be entered into by the governing bodies of the other cities or county.

Provided, however, that before a board or municipality shall have authority to condemn an existing electric plant under the provisions of this Act or to enter upon the construction of any duplicating facilities under the provisions of this Act, the board shall notify the owner of the existing electric plant, hereinafter referred to as the owner, in writing of its desire to purchase the plant or that portion thereof located or situated within said municipality and of its desire to enter into an agreement as to the value thereof. If no fair and reasonable price and terms of purchase and sale shall be agreed upon between the board and the owner within sixty (60) days after the aforesaid notice has been given the owner and if either party desires that further efforts to determine a fair price and terms of purchase and sale be made, a board of appraisers consisting of two members shall be appointed,

one by the board and the other by the owner. Such appointments shall be made within thirty (30) days after the expiration of the time given the board and the owner to agree upon the value of the existing electric plant, or that part thereof which the board desires to purchase. Should the two members of the board of appraisers be unable to agree within thirty (30) days after their appointment upon a fair and reasonable price, a third member of the board of appraisers shall be selected by them. In the event the two appraisers cannot agree upon the third member of the board of appraisers, then upon application of either the board or the owner, the Governor of the Commonwealth shall name the third appraiser. The board of appraisers shall consult with the State Public Service Commission in its efforts to arrive at a fair price for the electric plant, and the State Public Service Commission shall make available to the board of appraisers its facilities and any information in its possession bearing on the value of the electric plant. It shall be the duty of the board of appraisers to make a survey of, appraise and submit to the board and the owner in writing, its valuation of the electric plant. The board shall file its written report within six (6) months from the date of the appointment of the first two members. The value fixed by two of the three members of the board of appraisers shall be the finding of the board. In the event two of the three members cannot agree within six (6) months after the appointment of the first two members, the entire first board, unless given further time by agreement between the board and the owner, shall be discharged and a second board, if desired by both the board and the owner, may be appointed as provided herein, which shall make its final report within six (6) months after the appointment of the first two members thereof. It shall be the duty of the board to pay all compensation to the member appointed by it, and the duty of the owner to pay all compensation to the member appointed by it, and the board and the owner shall each pay one-half of the compensation which may be

due the third member and one-half of all other costs incurred in connection with the work of the board of appraisers. These costs may be included as a part of the purchase price agreed upon. Neither the board nor the owner shall be required to accept the report of the board of appraisers. If the owner fails or refuses to appoint an appraiser or appraisers as and within the time limits hereinabove provided, the board may proceed to exercise all of the powers granted by this Act without waiting for the expiration of all or any part of the time authorized for making the appraisal herein provided for.

After the board shall have complied with the provisions of this Act, it may proceed in the manner and subject to the terms and conditions hereinafter in this Act provided to (a) enter into a contract with the owner for the purchase from the owner of the electric plant; (b) institute condemnation proceedings and acquire the electric plant by the exercise of the powers of eminent domain; or (c) proceed to construct or cause to be constructed an electric plant. The governing authority of the municipality shall determine which of the three courses hereinabove authorized shall be followed by the board.

Section 4. EMINENT DOMAIN PROCEEDINGS.

Any board proceeding under this Act shall have the right to acquire by the exercise of the power of eminent domain, all lands, easements, rights of way, either upon or under or above the ground, any existing electric plant, or that part of an electric plant within the corporate limits of such city, and any and all real estate, franchise or personal property reasonably necessary or desirable in connection with the construction or operation or maintenance of electric plants or improvements or extensions thereto; and, the right of such board to acquire such electric plant and facilities hereby is declared to be a superior and paramount right and superior and paramount

to any other public use. Provided, however, that no board, by exercise of the power of eminent domain, shall have the right to acquire any central generating plant or station or sub-station or transmission lines, dams, or other property or facilities primarily and principally used by any public or private utility in the production and transmission of electric energy by such public or private utility for use outside the area to be served by the municipal electric plant; and, provided further, that in the eminent domain proceedings to acquire from any public or private utility an electric plant, the property condemned must include all of the property owned by the utility within the city limits which is used or useful in connection with the business, of rendering electric service, subject only to the proviso next hereinabove in this section stated.

The condemnation or eminent domain proceedings shall be brought in the name of the board, and title to the property so condemned shall be taken in the name of the board.

When the board of any municipality authorized to acquire, construct, own or operate an electric plant under the provisions of this Act, shall be unable to contract with the owner of any land, easements, rights of way, electric plant, or any facilities or property needed by such board for its use for the purposes thereof and desires to exercise the right of eminent domain, the board shall file in the office of the clerk of the county court a particular description of the property sought to be condemned, and may apply to the county court to appoint commissioners to assess the damages the owner or owners thereof may be entitled to receive, and thereupon said court shall oppoint three impartial housekeepers of the county who are land owners, and who shall be sworn to faithfully and impartially discharge their duties under this law.

It shall be the duty of said commissioners to ascertain and determine the value of the property taken, the value of

real estate, tangible personal property, intangible property and franchises if any such value is found to exist shall be determined and stated separately in their report; and they shall also award damages, if any, resulting to the remainder of the electric plant or system of the owner, considering the purposes for which the property is taken, and the amount of said damages, if any, shall be stated separately in their report. They shall return a report, in writing, to the office of the clerk of said court, stating their award, and shall describe in their report the property condemned, give the name or names of the owners, and whether non-residents of the State, infants, of unsound mind, or married women.

Upon the application of said board, and upon filing such affidavits as may be necessary, the clerk of said court shall issue process against the owner or owners to show cause why the said report should not be confirmed, and shall make such orders as to non-residents and persons under disability as are required by the Civil Code of Practice in actions against them in the Circuit Court.

At the first regular term of the county court, after the owners shall have been summoned the length of time prescribed by the Civil Code of Practice before an answer is required in Circuit Court, it shall be the duty of the court to examine said report, and if it shall appear to be in conformity to this law, and to the extent that no exceptions have been filed thereto by either party, it shall confirm said report as against the owners not excepting.

When exceptions shall be filed by either party, the court shall forthwith cause a jury to be impaneled to try the issues of fact made by the exceptions. In assessing the damages, the jury shall be governed by the rule hereinabove prescribed governing the commissioners and their report. If sufficient cause be not shown for setting aside the verdict, the court

shall render judgment in conformity thereto, and shall make such orders as may be proper for the conveyance of the title to the property condemned upon the payment of the damages assessed. Either party may appeal to the circuit court, by executing bond as required in other cases, within thirty (30) days, and the appeal shall be tried de novo, upon the confirmation of the report of the commissioners by the county court, or the assessment of damages by said court, as herein provided, and the payment to the owners of the amount due, as shown by the report of the commissioners when confirmed, or as shown by the judgment of the county court when the damages are assessed by said court, and all cost adjudged to the owners, the board shall be entitled to take possession of said property, and to use and control the same for the purpose for which the property was condemned as fully as if the title had been conveyed to it. But when an appeal shall be taken from the judgment of the county court by the board, it shall not be entitled to take possession of the property condemned until it shall have paid into court the damages assessed and all costs. All money paid into court under the provisions of this law shall be received by the clerk of the court, and held subject to the orders of the court, for which the clerk and his sureties on his official bond shall be responsible to the persons entitled thereto, and the court may require further additional security for safeguarding the money.

In all cases where there are conflicting claimants to the property condemned or any part thereof, and where all such claimants are before the county court in the condemnation proceedings, the condemnor, after the damages have been assessed in the county court, may by motion have the case transferred to the circuit court of the county in which the condemnation proceedings are pending, for the purpose of having the rights of respective claimants in the property condemned determined, and upon filing the order of transfer in the office of the clerk of the said circuit court, the condemnor

may pay the damages assessed in the county court to the master commissioner of said circuit court, to be by him held for the benefit of, and paid over to such of said claimants as the circuit court, or the Court of Appeals, on appeal, may determine are entitled thereto. The condemnor, upon making such payment to said commissioner, may immediately take possession of the property condemned in the same way as if payment had been made directly to the owners as provided by this section.

The circuit court clerk shall docket all such cases so transferred as other civil cases are docketed, and same shall thereafter proceed between said conflicting claimants to trial and judgment as if the action had originated between them in said court.

The transfer of any condemnation case as herein provided shall in no way affect the right of any party to the condemnation proceeding to appeal to the circuit court and thence to the Court of Appeals, as authorized by this Act, and by the laws relating to eminent domain proceedings by railroad companies.

The appeal from the county court shall be taken by filing with the clerk of the court to which the appeal lies a statement of the parties to the appeal, and a transcript of the orders of the county court, and thereupon the said clerk shall certify to the clerk of the county court that said appeal has been filed, and the clerk of the county court shall immediately transfer the original papers to the clerk of the court to which the appeal is pending; and if the owner on his appeal shall fail in the circuit court to increase the amount of damages awarded in the county court, he shall pay all the costs of the appeal; if the damages are increased in the circuit court, the other parties shall pay all the costs of appeal. The same rule as to payment of costs shall apply when the appeal is prosecuted by

the parties seeking to condemn the property. Either party may appeal from the judgment of the circuit court to the Court of Appeals, as provided by the laws governing eminent domain proceedings by railroad companies.

Section 5. ELECTION BY QUALIFIED VOTERS OF MUNICIPALITY.

Before any municipality shall have authority to (a) construct or cause to be constructed an electric plant, (b) acquire an electric plant by purchase, or (c) institute condemnation proceedings for acquiring by eminent domain an electric plant, or (d) issue revenue bonds for the construction, purchase, or acquisition of an electric plant, the question shall be submitted to the qualified voters of the municipality as hereinafter in this section provided.

(1) Before any municipality shall be authorized or empowered to purchase or establish and thereafter operate an electric plant, or to issue bonds therefor, the legislative body of such municipality shall pass an ordinance declaring it desirable that the municipality shall purchase or construct and operate a municipal electric plant, and if it is proposed to construct such electric plant, the board shall cause to be prepared by an engineer or engineers duly qualified and licensed under the laws of this Commonwealth, (a) the necessary and proper plans and specifications for the construction of the electric plant, (b) select the location therefor, (c) determine the size, type and method of construction thereof, (d) make the necessary estimates of the cost of construction and of the acquisition of the land and rights of way, and (e) a survey of all lands, structures, rights of way, franchises and easements, the acquisition of which is deemed necessary by said engineers and the board for the construction and operation of such municipal electric plant, all of which shall be approved by the board; and, provided further, that the question of whether or not revenue bonds shall be issued to

provide for the payment of the cost thereof shall be submitted to the qualified voters of such municipality at the next regular November election to be held in said municipality. The mayor shall certify such ordinance to the clerk of the county court, who shall, on the ballots provided for use in the general November election in the municipality, if however there is no municipal election a separate ballot shall be provided, in which it is proposed to construct such electric plant and issue revenue bonds for the payment of the cost thereof, have printed thereon the question: "Are you in favor of the city constructing and operating a municipal electric plant in accordance with the plans and specifications adopted by the Electric Plant Board of ..... (here insert name of municipality) and the issuance of revenue bonds in the maximum amount of $..... (here insert maximum total face amount of bonds estimated by the board to be necessary to pay the cost of such plant, based upon the estimate hereinabove provided.)" And opposite the question he shall print "Yes" and "No," with the proper squares for stamping the cross mark to indicate preference.

The mayor of such municipality shall advertise such election and the object thereof at least forty-five (45) days next before the date of such election in the newspaper having the largest circulation in the city, and also by printed handbills posted in not less than four conspicuous places in each voting precinct in the municipality and at the court house door. All legal voters of such municipality shall be privileged to vote at such election. The city shall have no authority to construct a municipal electric plant, or to issue revenue bonds unless a majority of all the qualified voters voting in said election on this question vote in favor thereof.

(2) Any contract of a municipality for the purchase of an electric plant shall be conditioned upon the approval of the qualified voters of the municipality at an election held at the

time and in the manner next hereinabove in clause one (1) of this Section provided, except that the clerk shall have printed on the official ballots, for the electon the following: "Are you in favor of the City of .....purchasing from ..... (insert the name of owner or owners) an electric plant at the price of $..... (clerk herein insert the amount of the agreed purchase price) and the issuance of revenue bonds in the amount of $..... (herein insert total face amount of bonds required to pay the agreed purchase price)." And opposite the question, he shall print "Yes" and "No", with the proper squares for stamping the cross mark to indicate preference.

(3) Before any municipality shall be authorized or empowered to institute condemnation or eminent domain proceedings to acquire an electric plant, the legislative body of such city shall pass an ordinance declaring it desirable that the municipality shall acquire by condemnation an electric plant, and shall describe in the ordinance the property which it deems necessary to be acquired, and there shall be submitted, in the manner hereinabove, in clause one (1) of this Section provided, to the qualified voters of the municipality at the next regular November election the following question: "Are you in favor of the City of ..... (here insert name of city) acquiring an electric plant by the exercise of the power of eminent domain and the issuance of revenue bonds in an amount sufficient to pay the entire damages and costs of such acquisition." Opposite the question shall be printed "Yes" and "No," with the proper squares for stamping the cross mark to indicate preference.

No municipality or Board shall have authority to purchase, construct, or acquire, or to institute condemnation proceedings for acquiring an electric plant, or to issue revenue bonds or other obligations or evidences of indebtedness for the payment of the costs thereof unless a majority of all the

qualified voters voting in said election on the question vote in favor thereof. Elections held pursuant to the provisions of this Act shall be governed by the laws of this state relative to elections to the extent that such laws are not inconsistent herewith.

Section 6. ISSUANCE OF BONDS.

Any municipality, by action of its board, may issue and sell revenue bonds, subject to the provisions of this Act, to pay cost of constructing or acquiring an electric plant.

Section 7. VALIDITY OF BONDS.

All bonds issued pursuant to this Act, bearing the signature of officers in office on the date of the signing thereof, shall be valid and binding obligations, notwithstanding that before the delivery thereof and payment therefor, any or all the persons whose signatures appear thereon have ceased to be officers of the municipality issuing the same. The resolution of the board shall contain a recital that the revenue bonds are issued pursuant to this Act, which recital shall be prima facie evidence of their validity and of the regularity of their issuance.

Section 8. LIMITATIONS OF ACTIONS.

Any action challenging the validity of any ordinance electing to operate under this Act or any election resolution, bond resolution, or election adopted or held hereunder, shall be brought within sixty (60) days from the date on which such ordinance or election resolution or bond resolution was adopted or election held, as the case may be, and, if not brought within such time, shall be forever barred.

Section 9. REVENUE BONDS NOT A GENERAL OBLIGATION OF MUNICIPALITY. No holder or holders of any revenue bonds issued under this Act shall have the

right to compel any exercise of taxing power of the municipality to pay the bonds or the interest thereon. Each revenue bond issued under this Act shall recite in substance that the bond, including interest thereon, is payable solely from the revenue pledged to the payment thereof, and that the bond does not constitute a debt on the municipality within the meaning of any statutory or constitutional provision or limitation.

Section 10. BOND PROVISIONS.

(1) Bonds issued pursuant to this Act may be issued in one or more series, may bear such date or dates, may mature at such time or times, not exceeding forty (40) years from their respective dates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be executed in such manner, may be payable in such medium of payment, at such place or places, may be sold or hypothecated in such blocks, may be subject to such terms of repurchase or redemption of all or any of said bonds before maturity in such manner and at such price or prices, not exceeding one hundred and five and accrued interest, as may be fixed by the board prior to the sale of the bonds.

The board at any time may issue and sell revenue bonds to finance improvement or issue and sell refunding bonds for the purpose of providing funds for the payment of any outstanding bonds issued in accordance with the provisions of this Act. Such new bonds shall be issued, sold, and secured in accordance with the provisions of this Act for the issuance of the original revenue bonds, except no election shall be necessary or required to ascertain the will of the voters of the city. Should the board find that the bonds originally authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued, subject to the same procedure and conditions as original revenue bonds.

(2) All revenue bonds issued pursuant to the provisions of this Act in the hands of bona fide holders shall have all the qualities and incidents of negotiable instruments under the law merchant. All bonds shall be sold to the highest responsible bidder at such time and place as shall have been fixed by the board in the notice of sale of said bonds, which notice shall have been advertised once each week for at least two consecutive weeks in a newspaper of general circulation in said municipality. The board shall receive written, sealed competitive bids, which shall be publicly opened and read at the time and place specified in the notice of sale. The board may reject all bids and re-advertise. No revenue bonds shall be sold for less than par, plus accrued interest, and no bonds shall bear interest at a rate in excess of six per cent (6%) per annum, interest payable semi-annually.

After revenue bonds have been offered for sale by the Board, so in this Section of this Act provided, if no bid satisfactory or acceptable to the Board is received, the Board may sell, issue and deliver said bonds to any Federal governmental agency upon such terms, not in conflict with the provisions of this Act, as may be agreed upon between the Board and such Federal governmental agency; but the price paid therefor shall not be less than the bid price received from the highest responsible bidder.

Section II. ADDITIONAL POWERS TO SECURE BONDS AND TO MAKE AGREEMENTS. In order to secure the payment of any of the bonds issued pursuant to this Act, and interest thereon, or in connection with such bonds, the board of any municipality shall have power as to such bonds, to the extent not inconsistent with the mandatory provisions of this Act:

(1) To pledge all or any part of the net revenues derived from sale of electric service;

(2) To provide for the terms, form, registration, exchange, execution and authentication of any bonds;

(3) To provide for the replacement of lost, destroyed, or mutilated bonds;

(4) To covenant as to the use and disposition of the proceeds from the sale of such bonds;

(5) To covenant as to the rates and charges of the electric plant;

(6) To redeem such bonds, and to covenant for their redemption and to provide the terms and conditions thereof;

(7) To covenant and prescribe as to what happenings or occurrences shall constitute "events of default" and the terms and conditions upon which any or all of such bonds shall become or may be declared due before maturity and as to the terms and conditions upon which such declaration and its consequences may be waived;

(8) To covenant as to the rights, liabilities, powers and duties arising upon the breach by it of any covenant, condition or obligation.

(9) To vest in a trustee or trustees the right to receive all or any part of the net income and revenue pledged and assigned to, or for the benefit of, the holder or holders of bonds issued hereunder, and to hold, apply and dispose of the same and the right to enforce any covenant made to secure or pay or in relation to the bonds; to execute and deliver a trust agreement or trust agreements which may set forth the powers and duties and the remedies available to such trustee or trustees and limiting the liabilities thereof and describing what occurrences shall constitute "events of default" and

prescribing the terms and conditions upon which such trustee or trustees or the holder or holders of bonds of any specified amount or percentage may exercise such rights and enforce any and all such covenants and resort to such remedies as may be appropriate;

(10) To make covenants other than, and in addition to, the covenants herein authorized, of like or different character, necessary or advisable to effectuate the purpose of this Act; and

(11) To execute all instruments necessary or convenient in the exercise of the powers herein granted or in the performance of its covenants or duties.

Section 12. REMEDIES OF ANY HOLDER OR HOLDERS OF BONDS. Any holder or holders of bonds issued pursuant to this Act, including a trustee or trustees for holders of such bonds, shall have the right, in addition to all other rights;

(1) By action in court, to enforce his or their rights against the board, and any other proper officer, agent or employee, including, but without limitation, the right to require the board, and any proper officer, agent or employee thereof, to fix and collect rates and charges adequate to carry out any agreement as to, or pledge of, electric plant revenues, and to require the board and any officer, agent or employee thereof to carry out any other covenants and agreements and to perform its and their duties under this Act; and

(2) By action in equity to enjoin any act or thing which may be unlawful or a violation of the rights of such holder of bonds.

Section 13. RECEIVER, APPOINTMENT, POWERS AND DUTIES.

If there is a default in the payment of the principal or interest of any bonds issued pursuant to this Act, any court having jurisdiction may, upon the petition of the holders of not less than twenty-five per cent (25%) of the outstanding bonds, appoint a receiver to administer said electric plant on behalf of the board, with power to charge and collect rates sufficient to provide for the payment of any bonds or obligations outstanding against said electric plant and for the payment of the operating expenses and to apply the income and revenues in conformity with this Act.

Section 14. PRELIMINARY EXPENSES.

(1) All expenses incurred by the board or the governing body of any municipality in the making of surveys, estimates of cost and of revenues, employment of engineers, attorneys, or other employees, the giving of notices, taking of options, selling of bonds, and all other preliminary expenses of whatever nature which such board or governing body deems necessary in connection with or precedent to the acquisition or improvement of any electric plant and which it deems necessary to be paid prior to the issuance and delivery of the bonds issued pursuant to the provisions of this Act, may be met and paid out of the general fund of said municipality not otherwise appropriated, or from any other available fund.

(2) All such payments from the general or other funds of the municipality shall be considered as temporary loans and shall be repaid immediately upon sale and delivery of the bonds, and claim for such repayment shall have priority over all other claims against the proceeds derived from the sale of of such bonds.

Section 15. BOARD OF PUBLIC UTILITIES. Any municipality desiring to acquire and operate an electric plant under the provisions of this Act or any municipality now owning and operating an electric plant may elect to operate under

the provisions of this Act by enacting an ordinance declaring therein the desire and intention of the municipality to accept and operate under the provisions of this Act and by providing in said ordinance that the municipality accepts and agrees to all of the provisions of this Act, and to all of said provisions as they may be from time to time amended by the Acts of the General Assembly of Kentucky. The ordinance shall further authorize the mayor or chief executive to appoint a board, subject to the approval of the appointments by the governing body of the municipality as hereinafter in this Act provided. Upon the passage of such ordinance the mayor or chief executive of any such municipality may, with the approval of the governing body of the municipality, appoint a board of public utilities, consisting of four (4) residents of the municipality who have resided therein for not less than one year next preceding the date of the appointment. Said board must be appointed and qualified before the municipality shall have any authority to proceed further under the provisions of this Act. Said board, when so appointed and qualified, shall be and hereby is declared to be a body-politic, and corporate, with perpetual succession; and said body may contract and be contracted with, sue and be sued, in and by its corporate name, and have and use a corporate seal. The name of said board shall be "Electric Plant Board of the City of..... (The name of the municipality to be inserted.)

(2) No person shall be appointed a member of the board who has, within the last two (2) years next before his appointment, held any public office, or who is related within the third degree to the mayor or any member of the governing body of the municipality.

(3) Neither the board nor the superintendent appointed by the board shall appoint to any subordinate office which it may create nor employ in any capacity any person who is related within the third degree to any member of the board

or to the mayor of said municipality or to any member of the governing body of said municipality. No officer or employee of a municipality shall be eligible for such appointment until at least one (1) year after the expiration of the term of his public office, or employment; and, any payment made in violation of this clause of this Section shall be illegal and the superintendent and the board members voting for or approving or consenting to same shall be personally liable for the amount so paid and this liability may be enforced by suit by any citizen of the municipality.

(4) The members of the board shall be citizens, taxpayers, and legal voters of such municipality and shall not at the time of the appointment be indebted to the municipality either directly or indirectly or be surety on the official bond of any officer of said municipality.

(5) If at any time during his term of office a member of the board becomes a candidate for or is elected or appointed to any public office, he shall automatically vacate his membership from the board, and another person shall be appointed to his place.

(6) The municipality shall pay the cost of securing bonds for board members from a surety company qualified to do business in Kentucky, and said members shall execute bond in an amount required by resolution of the governing body, and conditioned upon the faithful performance of their official duties.

(7) Each member of the board shall qualify by taking the oath required by Section 228 of the Constitution.

Section 16. COMPENSATION OF BOARD.

(1) The salary of each member of a board of public utilities shall be fixed by the governing body of the municipality, as follows:

(a) For each member of a board controlling a plant which furnishes electric service to a city of the first class, at not exceeding $1,500 per annum;

(b) For each member of a board controlling a plant which furnishes electric service to a city of the second class, at not exceeding $1,000 per annum;

(c) For each member of a board controlling a plant which furnishes electric service to a city of the third class, at not exceeding $750 per annum; and

(d) For each member of any other board, at not exceeding $300 per annum.

(2) Such salaries, as well as the salary of the secretary-treasurer shall constitute a cost of operation and maintenance of the electric plant.

(3) The governing body of the municipality may, by resolution or ordinance, provide that the municipality shall not be liable for the payment of any salary or compensation of any of the members of said board, or for the payment of the salary or compensation or expenses of any person employed by said board, and that such salaries, compensation and expenses and any and all liabilities, of whatever kind or character incurred by the board or any officer or employee thereof, shall be payable solely and only out of revenues obtained by said board under the provisions of this Act, and said liabilities shall then be so limited.

Section 17. TERM OF BOARD MEMBERS: VACANCIES.

The original appointees shall serve for one, two, three and four years respectively, from the date of appointment, as the said mayor or chief executive officer shall designate. Suc-

cessors to retiring members so appointed shall be appointed for a term of four years in the same manner, prior to the expiration of the term of office of the retiring members. In addition to the members so appointed, the said mayor or chief executive officer shall also, with the approval of the governing body, designate a member of such governing body, or in his discretion the city manager, to serve as a fifth member of the board. The term of such member shall be for such time as the appointing officer may fix, but not beyond such appointee's term of office in such governing body, or his employment as city manager. Appointments to complete unexpired terms of office shall be made in the same manner as original appointments.

Section 18. BOARD MEETINGS.

A majority of the board shall constitute a quorum and the board shall act by vote of a majority present at any meeting attended by a quorum. Vacancies in the board shall not affect its power or authority so long as a quorum remains. Within ten (10) days after appointment and qualification of members, the board shall hold a meeting and elect a chairman. The board shall at the same time elect a secretary-treasurer, and shall fix his compensation. The board shall hold public meetings at least once each month, at such regular time and place as the board may determine. Changes in such time and place of meeting shall be made known to the public as far in advance as practicable. Any special meeting may be called by the chairman or by two members of the board, but, if such special meeting is called, written notice shall be sent to all members of the board by the chairman or secretary-treasurer. Except as otherwise expressly provided, the board shall establish its own bylaws and rules of procedure.

Section 19. REMOVAL OF BOARD MEMBERS.

Any member of the board may be removed from office

upon a vote of a majority of the members of the governing body of the municipality for inefficiency, neglect of duty, misfeasance, nonfeasance, or malfeasance in office.

Section 20. SUPERVISION AND CONTROL OF THE ELECTRIC PLANT.

(1) After a board has been appointed and qualified, it shall have charge of the general supervision and control of the acquisition, improvement, operation and maintenance of the electric plant of the municipality. The board shall employ an electric plant superintendent (herein called "superintendent"), who shall be qualified by training and experience for the general superintendence of the acquisition, improvement and operation of the electric plant. His salary shall be fixed by the board. The superintendent shall be removable by the board for inefficiency, neglect of duty, misfeasance or malfeasance in office. He shall be required to execute a bond, in a sum to be determined and approved by the board, conditioned upon the faithful performance of his official duties. The cost of the bond may be charged as an expense of the operation of the electric plant.

(2) Within the limits of the funds available therefor, all powers of a municipality to acquire, improve, operate and maintain, and to furnish electric service, and all powers necessary or convenient thereto, conferred by this Act, shall be exercised on behalf of the municipality by the board and the superintendent, respectively. Subject to the provisions of applicable bonds or contracts, the board shall determine programs and make all plans for the acquisition of the electric plant, shall make all determinations as to improvements, rates and financial practices, may establish such rules and regulations as it deems necessary or appropriate to govern the furnishing of electric service, and may disburse all moneys available in the electric plant fund hereinafter established for the acquisition, improvement, operation and

maintenance of the electric plant and the furnishing of electric service.

(3) A copy of the schedule of the current rates and charges in effect from time to time and a copy of all rules and regulations of the board relating to electric service shall be kept on public file at the main and all branch offices of the electric plant and also in the office of the municipal clerk or recorder. The superintendent shall have charge of all actual construction, the immediate management and operation of the electric plant and the enforcement and execution of all rules, regulations, programs, plans and decisions made or adopted by the board.

(4) The superintendent shall appoint all employees and fix their duties and compensation subject to and with the approval of the board. Subject to the limitations and provisions of this Act, the superintendent, with the approval of the board, may acquire and dispose of all property, real and personal, necessary to effectuate the purposes of this Act. The title to all property purchased or acquired shall be taken in the corporate name of the board.

(5) The superintendent shall let all contracts, subject to the approval of the board, but may, without such approval, obligate the electric plant on purchase orders up to an amount to be fixed by the board, not to exceed five hundred dollars. All contracts shall be in the corporate name of the board and shall be signed by the superintendent and attested by the secretary-treasurer or chairman of the board. The superintendent shall make and keep or cause to be made and kept full and proper books and records, subject to the supervision and direction of the board, and the provisions of applicable contracts.

Section 22. ELECTRIC PLANT FUND.

All moneys derived from the issuance of bonds under

this Act, together with any governmental grant made in connection therewith, and all receipts from electric service or any other operation of the board, shall be deposited in a separate bank account or accounts, separate from all other municipal funds and adequate records shall be kept of all such receipts and their sources.

Section 23. DISPOSITION OF MONEYS RECEIVED FROM THE ISSUANCE OF BONDS.

All moneys received from the sale and issuance of bonds shall be used solely to defray the cost of acquiring or improving an electric plant, except that such proceeds may in the discretion of the board also be used for the payment of the interest on the bonds during the first two (2) years following the date of issuance of such bonds. The cost of the electric plant shall include all costs of acquisition or improvement, including all preliminary expenses described in Section 14; the cost of acquiring all property, franchises, easements, and rights which, in the judgment of the board, are necessary or convenient; engineering and legal expenses; expenses for estimates of cost and revenues; expenses for plans, specifications and surveys; other expenses incident or necessary to determining the feasibility or practicability of the enterprise; administrative expense; and such other expense as may be incurred in the financing herein authorized, the acquisition or improvement of the electric plant, the placing of such plant in operation, including the creation of a cash working fund, and the performance of the things herein required or permitted in connection therewith.

Section 24. DISPOSITION OF REVENUES.

(1) The board shall devote all moneys derived from any source other than the issuance of bonds to or for the payment of all operating expenses; bond interest and retirement and sinking fund payments; the acquisition and improvement

of the electric plant; contingencies; other obligations incurred in the operation and maintenance of the electric plant and the furnishing of electric service; the State, any county, any school district, any municipality and any other special taxing district in which the board operates of the same respective amounts as provided in Section 25, or any other additional amounts which the board pursuant to its contract with the Tennessee Valley Authority or other governmental agencies collects as tax equivalents for any taxing jurisdiction if the board contracts with the Tenneesse Valley Authority or any governmental agency for the purchase and resale of electrical energy, or if the board does not contract with the Tennessee Valley Authority or any other governmental agency for the purchase or resale of any electrical energy and if it has met all obligations imposed on it by this Act it may at the end of any twelve months ending June 30 transfer any surplus to the general fund of the municipality which authorized it; the redemption and purchase of electric plant bonds, in which case such bonds shall be canceled; the creation and maintenance of a cash working fund; the payment of an amount to the general funds of the municipality not to exceed a cumulative return of six percent (6%) per annum of the equity, if any, of the municipality.

(2) After the establishment of proper reserves, if any, and after complying with the above provisions of this section any surplus of proceeds shall be devoted solely to the reduction of rates. The equity of the municipality contracting with the Tennessee Valley Authority or other governmental agency for the purchase and resale of electrical power or energy shall be the purchase price of the electric plant, less the face value of outstanding bonds, or, if there is no purchase price, the original cost of the plant as defined by the Federal Power Commission, less accrued depreciation, less the face value of the outstanding bonds. The payment of bonds or the acquisition or improvement of property from the receipts

derived from electric service or any other operation of the board as such shall not be considered to increase the equity or investment of the municipality.

Section 25. TAX EQUIVALENTS.

The state, each county, each school district, each municipality, and each other special taxing district in which any board operates shall each year be paid by such board from the proceeds of the sale of electrical energy an amount which shall be the same amount as that determined by multiplying the book value of the property of the electric system located in each such jurisdiction as of the beginning of each year, by the current tax rate of the jurisdiction. "Book value" as used in this section means the cost of tangible property plus additions, extensions and betterments, less reasonable depreciation or retirement reserve, and "year" as herein used means the twelve-month period ending June 30. The book value so determined shall be in accordance with standard accounting practices and the books and records of the board shall be subject to inspection by the Department of Revenue and to being adjusted by it if found not to comply with the conditions herein stated. It shall be the duty of the utility board of each municipality, on or before October 1 of each year, to certify to the Department of Revenue the book value, as of July 1 immediately preceeding, of the electric plant owned by the municipality in each taxing jurisdiction on said July 1. Upon the receipt of such certification of any utility board the Department of Revenue shall make such investigation, hereinabove authorized, as it deems necessary and promptly thereafter certify to said board the book value basis for determining the amounts required to be paid taxing jurisdictions and to be included in resale rates by subsection (11) of Section 3. Such amounts for any year shall be paid to the respective taxing jurisdictions within thirty (30) days after the close of said year. Said taxing jurisdiction shall have a superior lien upon the proceeds for the sale of

electrical energy for the amounts required by this section to be paid them.

Section 26. SERVICES RENDERED TO MUNICIPALITY.

The board shall charge the municipality and all departments and works thereof for any electric service furnished to them at the rates applicable to other customers taking service under similar conditions. Revenues derived from such service shall be treated as all other revenues.

Section 27. RECORDS AND REPORTS OF THE BOARD.

The board shall keep a complete and accurate record of all meetings and actions taken, and of all receipts and disbursements, and shall make reports of the same to the governing body at stated intervals, not to exceed one year. Said report shall be in writing, shall be filed in open meeting of the governing body, at stated intervals, not to exceed one year, and a copy shall be filed with the municipal clerk or recorder as a public record. An audit of the board's records shall be made annually by an auditor selected by the legislative body of the municipality. The expense of such an audit shall constitute an operating expense.

Section 28. GENERAL OBLIGATION BONDS.

Any municipality is hereby authorized and empowered to issue general obligation bonds under the limitations imposed by Section 158 of the Constitution for carrying out the purposes of this Act, but general obligation bonds shall not be issued for such purposes without the assent of two-thirds of the voters voting in an election conducted in the manner set out in Section 5.

Section 29. PROCEDURE TO DISPOSE OF ELECTRIC PLANT.

(1) The board or the municipality may sell or dispose of all or substantially all of that part of an electric plant located within the boundary of the municipality, owned and operated by it only by first complying with the following provisions, to-wit:

(a) The governing body shall adopt a resolution which shall state in substance that (1) the board has approved the proposed sale or disposition, (2) a full description of the property to be sold or disposed of, (3) the transferee or transferees or purchasers thereof, (4) the consideration to be received by the board for such sale or disposition, (5) the terms or conditions of such sale or disposition, (6) the date on which an election shall be held, which shall be the day of the regular November election.

(b) The resolution of the board shall be submitted to the governing body of the municipality; and if approved by the governing body of the municipality, the question shall be submitted to an election of the qualified voters in the manner provided in section 4 of this Act, except that the question to be printed on the official ballots for the general election shall be: "Are you in favor of the sale or disposition of the electric plant, for the consideration of $.....," (here state the consideration. And opposite the question the words "Yes" and "No," with the proper squares for stamping the cross mark to indicate preference. If a majority of all of the qualified voters of the municipality voting in said general election on the question shall vote in favor of the sale or disposition of the electric plant, the sale shall be consumated, otherwise the sale or disposition shall not be made.

(c) The board may dispose of all or any part of an electric plant located without the boundary of the munici-

pality without an election or any other approval or authority than that in the board.

Section 30. EFFECTIVE DATE OF RESOLUTIONS AND ORDINANCE.

Every resolution or ordinance adopted by the governing body of any municipality under the provisions of this Act shall become effective from and after its passage, and no such resolution or ordinance shall be the subject of any referendum or election except as expressly provided in this Act.

Section 31. JURISDICTION OF OTHER AGENCIES.

(1) It shall not be necessary for any municipality proceeding under this Act to obtain any certificate of convenience and necessity, license, permit, or other authorization, from any board, commission, or other agency of Kentucky, in order to acquire, maintain and operate any electric plant.

(2) Neither the Public Service Commission of Kentucky nor any other board or commission of like character shall, unless in the future expressly authorized, have jurisdiction over such board or municipality in the management and control of any electric plant whether within or without its boundaries, or any power or authority over the regulation of rates or charges, except that the Public Service Commission may, when it determines that such action is in the public interest and will not jeopardize the financial structure of the system, require any such municipality to extend service within or without its boundaries to customers not previously served by such municipality. Its orders may be enforced by mandamus or mandatory injunction.

If and when any board, organized and operating under the provisions of this Act shall be required by the Public Service Commission to extended its services within or with-

out its boundaries to customers not previously served by such municipality or board, revenue bonds may be issued and sold by the board in an amount sufficient for the board to obtain all money necessary to pay the cost of such extended service.

(3) Bonds may be issued under this Act without respect to the provisions of any laws requiring the prior approval of any court, commission, board, or regulatory authority.

Section 32. NO COMPETITION WITH RURAL ELECTRIC COOPERATIVE CORPORATION OR OTHER BOARDS.

No municipality or board operating an electric plant under the provisions of this Act shall enter into competition with, or construct, maintain, or operate any facilities or service in competition with any Rural Electric Cooperative Corporation or electric plant operated by another municipality or board organized under the Laws of this State in any territory being served by any such Rural Electric Cooperative Corporation or other municipality or board; but any municipality or Board operating an electric plant under the provisions of this Act may enter into cooperative agreements with any such Rural Electric Cooperative Corporation or other municipality or board for a connection for cooperative service upon such terms and conditions as may be mutually agreed upon between any such municipality or board and any such Rural Electric Cooperative Corporation or other municipality or board. Such agreements may provide, but not by way of limitation, for exchange of electric service, the cooperative use of transmission lines and other facilities, and the common use or exchange of other service or facilities.

Section 33. ESTOPPEL

Any municipality or board exercising any of the powers

granted under this Act or any person accepting benefits conferred thereby shall be estopped to question the validity of any provision of the Act.

Section 34. LEGISLATIVE PURPOSE AND INTENT.

(1) It hereby is declared to be the legislative purpose and intent to vest in municipalities of all classes in this Commonwealth full power and authority to establish, acquire, own and operate electric plants; to empower and authorize said municipalities to contract with and acquire from the Tennesee Valley Authority or any governmental agency electric power or current for re-sale and to authorize and require the payment, out of earnings from the re-sale of such electric power or current of certain amounts to the state, counties, municipalities, school districts and other taxing districts in order that they may not suffer from loss of revenue resulting from the tax exemption created by the transfer of property from private to public ownership, and in the interest of the general welfare.

(2) It hereby is declared to be the further legislative intent that this Act shall be the complete law of this State with respect to municipalities acquiring electric plants, after the effective date of this Act, and the complete law of this State with respect to the operation of electric plants acquired by any municipality after the effective date of this Act; and that all laws and parts of laws in conflict herewith, to the extent of such conflict, hereby are repealed.

Section 35. SAVINGS CLAUSE.

The sections, clauses, sentences and parts of this Act are severable and are not matters of mutual essential inducement; and it is the intention of the General Assembly to confer upon every municipality the whole or any part of the

powers of this Act provided; and if any one or more of these sections, clauses, sentences, or parts of this Act including those providing for payments to taxing jurisdictions shall be adjudged invalid or inoperative, such judgment shall not invalidate the remaining provisions of this Act, but shall be confined in its operation to the specific provision or provisions so held invalid or inoperative; and the inapplicability or invalidity of any section, clause, sentence or part of this Act in any one or more instances shall not effect the applicability or validity in any other instance, or the validity or application of any other part or provision of the Act.

By Mr. Barry.

H. B. 147. An Act to repeal, amend and re-enact Sec. 3713 Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

that Section 3713 Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that when amended and re-enacted, the said Section shall read as follows:

§ 1. "No City shall become incorporated unless it contains at least one hundred and twenty-five inhabitants residing within the boundaries proposed to be established for such City; nor shall the boundary of any City, when incorporated, exceed one-half of a mile in each direction, the form of the City being square, whether each of the side lines of said square area being so incorporated be one-half mile or less; nor shall any City be incorporated as herein provided for where the boundary lines of such area proposed to be incorporated are

within two hundred feet of any highway, county road, public road, public thoroughfare or street unless such highway, county road, public road, public thoroughfare or street be included within such area to be incorporated; nor shall any City be incorporated as herein provided where any of the boundary lines of such area to be incorporated are within one-half miles of the boundary lines of any City previously incorporated unless the boundary lines of such new town or City are coincident with and directly adjoining the boundary lines of the previously incorporated City, so that there can be no space between the boundary lines of any two incorporated Cities of less than one-half mile, whether said boundary lines be the lines of the Cities as originally incorporated or as a result of annexation subsequent to original incorporation; provided, however, that any unclassified municipality, or incorporated taxing district having by its charter a grant of municipal powers and at the time exercising the same and having at least two hundred and fifty inhabitants residing within the boundary proposed to be established for such City, may be incorporated as a City with its incorporated Cities of less than one-half mile, whether said boundary lines be the lines of the Cities as originally incorporated or as a result of an annexation subsequent to original incorporation; provided, however, that any unclassified municipality, or incorporated taxing district having by its charter a grant of municipal powers and at the time exercising the same and having at least two hundred and fifty inhabitants residing within the boundary proposed to be established for such City, may be incorporated as a City with its present territorial boundaries, and in any proceedings by the legislative body or bodies of any City of any class to increase the area of such City by annexation or to decrease the area or reduce the boundaries thereof as now provided, all the provisions and requirements hereinabove provided must be complied with."

§ 2. If the Kentucky Revised Statutes are enacted at

the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 81.040, and shall thereafter be treated as an amendment to KRS 81.040 rather than an amendment to § 3713 of Carroll's Statutes.

By Mr. George Anderson.

H. B. 148. An Act relating to credit for imprisonment during inability to secure bail.

Said bill is as follows, viz.:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1142a of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

If in any trial in a circuit, county, quarterly, justice's or police court of this state, the defendant has been compelled to remain in jail, by reason of his inability to execute bonds, to answer the charge in the court in which he is held, and, on trial had in such court, he has been found guilty and his punishment fixed at a fine or a term in the county jail, he shall, in the case of a fine, be given credit at the rate of two dollars per day for each day he was so compelled to remain in jail, and in the case of a jail sentence, shall be given credit on such sentence for the time he was so compelled to remain in jail. The court shall endorse on the judgment a credit for the number of days the defendant was so compelled to remain in jail, and, in the case of a jail sentence, shall make an entry on the commitment, and the defendant shall be discharged from the county jail when he has served the full term for which he was convicted less such credit of time as he is to receive as herein provided.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 431.150 and shall thereafter be treated as an amendment to KRS 431.150 rather than an amendment to § 1142a of Carroll's Statutes.

By Messrs. Brock and Ball.

H. B. 149. An Act relating to county patrolmen.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In each county in this state containing a city of the third class or having a population of fifty thousand (50,000) people or over, but not containing a city of the first or second class, the County Judge may appoint not more than three County Patrolmen for a term of one (1) year each. The patrolmen may be removed by the County Judge at his discretion and without cause. No person shall be appointed who is not at the time of appointment over the age of twenty-five (25) years, nor unless he has been a citizen and resident of the county wherein he is appointed for two (2) years next preceding his appointment.

§ 2. The patrolmen shall take an oath in the County Court for the faithful and impartial performance of their duty, and shall give bond therefor in the sum of One Thousand ($1,000.00) Dollars and file same with the County Clerk, and when appointed shall have jurisdiction co-extensive with the whole county.

§ 3. The compensation of such County Patrolmen shall

be fixed by the Fiscal Court and paid out of the county treasury in equal monthly installments.

§ 4. The County Patrolmen shall visit, inspect and investigate roadhouses, places offering for sale non-intoxicating or intoxicating drinks, tourist camps or places of public entertainment at which people assenable to eat, drink, dance, bathe or engage in any game or entertainment, churches and schools within or without the corporate limits of any city. They shall make written monthly reports to the County Judge of each place visited, inspected and investigated, and shall patrol the public highways and roads of the county. The patrolmen shall be subject to the orders of the County Court and shall have the same right and same power to arrest, search, and seize as sheriffs except that the patrolmen shall not have power to serve subpoenas, summons, and notices in civil cases.

By Mr. Love.

H. B. 150. An Act relating to motor vehicles.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The provisions of §§ 2739j-42 to 2739j-95 of Carroll's Kentucky Statutes, 1936 edition, as amended by Chapter 9 of the Acts of the Fourth Extraordinary Session of 1938, Chapter 100 of the Acts of 1938 and Chapter 171 of the Acts of 1938 shall not apply to motor vehicles used exclusively in transporting materials, supplies and equipment for the construction, reconstruction or maintenance of any public highway, road or street in this state. The owners of such vehicles so used shall not be required to obtain certificates or permits,

either as contract carriers or common carriers, from the Division of Motor Transportation.

By Mr. McPherson.

H. B. 151. An Act pertaining to the use of police radios and providing who may and may not use and have in their possession radio equipment capable of receiving or sending or interfering with police radio messages and declaring a violation of this act to be a misdemeanor and providing a penalty therefor including the escheat, forfeiture and destruction of any equipment had or used in violation of this act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

It shall be unlawful for any person except a peace officer duly authorized to make arrests, and also holding either a first, second or third class radio operators license duly issued by the Federal Communications Commission, or a member of a police department or police force which regularly maintains a police radio system authorized or licensed by the Federal Communications Commission, to have in his or her possession, or in an automobile or other vehicle, or to equip or install in or on any automobile or other vehicle, any mobile radio set or apparatus capable of either receiving or transmitting radio or other messages or signals within the wave length or channel now or which may hereafter be allocated by the Federal Communications Commission, or its successor, for the purpose of police radios, or which may, in any way intercept or interfere with the transmission of radio messages by any police or other peace officers, and it shall be unlawful for any car, automobile or other vehicle other than one publicly owned and entitled to and bearing an official

license plate issued by the state issuing a license for said car, to have, or be equipped with such sets or apparatus even though said car is owned by an officer.

Any person guilty of violating any of the provisions of this act shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than Ffty Dollars ($50.00) and not exceeding Five Hundred Dollars ($500.00), or imprisonment not exceeding twelve (12) months, or both so fined and imprisoned.

It shall be the duty of any and all peace officers to seize and hold for evidence any and all equipment had or used in violation of the provisions of this act, and, upon conviction of the person having, equipping or using such equipment, it shall be the duty of the Trial Court to order such equipment or apparatus destroyed, fortified or escheated to the Commonwealth of Kentucky, or to any county, city or town within which such Court sits or holds its sessions and said property may be ordered destroyed, forfeited or escheated as above provided without a conviction of the person charged with violating this act.

By Mr. Sherman Carter.

H. Res. 27. WHEREAS, Harold W. Cain, of Somerset, Pulaski County, Kentucky, was, during the years of 1939 and 1940, the duly commissioned and appointed Captain of Company B of the 149th Infantry of the National Guards of the State of Kentucky, and

WHEREAS, in the year 1939 the said Captain Cain and his Company were ordered by the Governor of the Commonwealth to Harlan county for active duty during a Labor dispute there, and

WHEREAS, in the performance of such duties Captain

Cain and the enlisted men of Company B of the 149th Infantry were required to wear their uniforms constantly by reason of which the uniforms became soiled and dirty so that it became necessary to have same laundered, and

WHEREAS, Captain Cain in his official capacity employed the Somerset Laundry and Cleaners to wash the uniforms and equipment of this Company soiled while on active duty, and

WHEREAS, the cost of such cleaning and laundering amounted to the sum of $281.42, no part of which has ever been paid, and

WHEREAS, said claim is a lawful claim against the Commonwealth of Kentucky,

Said resolution is as follows, viz:

Now therefore be it Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That after the passage of this Resolution the Commissioner of Finance is directed to draw his warrant on the State Treasurer in the amount of $281.42, payable from the General Fund, which warrant is to be transmitted to the Treasurer of the State of Kentucky, who will draw a check on the Treasury in the said sum of $281.42 and forward same to the Somerset Laundry and Cleaners, at Somerset, Kentucky, in full and complete discharge of this obligation.

By Mr. Royster.

H. Res. 28. A Resolution requesting the Director of the Division of Personnel Efficiency in the Department of Finance to furnish to the members of the General Assembly the names of all persons upon the payrolls of all departments

and divisions of the state government and the salary of each of said employees, and providing for the publication thereof.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

(1) The Director of the Division of Personnel Efficiency in the Department of Finance is required to forthwith furnish to the members of both houses of the General Assembly a true, correct, full and complete list of the names of all persons appearing upon the payrolls of each and every department, division, and subdivision of the state government, together with the amount, or rate, or pay received by each person.

(2) The Speaker of the House of Representatives and the Presiding Officer of the Senate shall cause the list of names and compensation to be published in the Louisville Courier-Journal. The cost of publication shall be paid out of any of the general funds in the State Treasury not otherwise appropriated.

Ordered that said bills and resolutions be printed and referred.

Mr. Henry Ward moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

TUESDAY, JANUARY 27, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson, Jr.	E. R. Hilton	C. Sid Nabb
George P. Anderson	Clyde S. Howard	Coy Nevitt
Henry Arrowood	Chas. O. Humston	Robert Nicholas
Robert E. Barry	W. H. Hunt	H. C. Patterson
W. T. Beard	Joe B. Jarboe, Jr.	Paul Pelfrey
Robert E. Beatty	Crow Jarvis	B. W. Porter
Rell Bevins	William L. Jones	Kleber F. Price
Douglas T. Bolling	John S. Juett	James E. Quill
Gus A. Brooks	W. A. Lamkin	L. Allen Rhoads
Sherman E. Carter	H. W. Linville	Dr. J. J. Rice
C. L. Clayton	A. L. Love	Wade H. Riley
T. Fowler Combs	William Lovett	Dr. M. M. Robinson
Oris Cooper	Harry K. Lowman	Byron H. Royster
M. A. Cornett	Hugh D. Lyon	Dr. K. N. Salyer
John Henry Cox	H. McCartney	Leon J. Shaikun
Rev. W. W. Crouch	Cary McDevitt	Faust Y. Simpson
Pink G. Curd	Norris McPherson	Clyde Smith
Dr. J. A. Duff	Dr. Wm. C. Mann	Otto Smither
Forest C. Easley	Ed. Marcum	Charles L. Spilman
Harry W. Ennis	C. C. May	James D. Stacey
John D. Fields	J. Milton Mefford	J. Claude Stacy
T. P. Fitzpatrick	D. J. Moore	R. C. Stephenson
W. W. Freeman	J. Lee Moore	Thomas M. Swope
Joseph J. Grace	L. D. Moore	C. W. Taylor
P. Bert Hall	C. E. Montgomery	Egbert Taylor
A. G. Hamilton, Jr.	F. E. Morancy	Roy L. Taylor
Fuller Harding	E. R. Morlidge	Rev. H. Tinsley

John L. Trumbo	C. R. Walden	H. L. Waterfield
Erna E. Tyra	Harry Walters	E. Reed Wilson
J. Wood Vance	H. A. Ward	Stanley S. Dickson,
S. J. Wagner	Henry Ward	Speaker

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Grace moved that a bill entitled:

H. B. 4. An Act relating to Legislative Council

Be recommitted to the Committee on Kentucky Statutes No. 1

Said motion was agreed to.

Mr. Ward moved that the Clerk be directed to have five hundred copies of H. B. 146 printed.

Said motion was agreed to.

Mr. Riley moved that the privilege of the floor be extended to Dr. D. E. Westmorland.

Said motion was agreed to.

Mr. Juett moved that the privilege of the floor be extended to Dr. O. M. Robinson of Williamstown, Kentucky.

Said motion was agreed to.

Mr. Royster moved that the privilege of the floor be extended to Messrs. T. W. Johnson of Dixon, Kentucky and Howard Hancock of La Grange, Kentucky.

Said motion was agreed to.

The Speaker announced that he had referred bills and resolutions heretofore introduced, as follows, viz.:

H. B. 133 To Committee on Public Ditches

H. B. 134 To Committee on Cities of First Class

H. B. 135 To Committee on Education No. 1-A

H. B. 136 To Committee on Suffrage and Elections

H. B. 137 To Committee on Cities of Second Class

H. B. 138 To Committee on Education No. 1

H. B. 139 To Committee on Municipalities

H. B. 140 To Committee on Suffrage and Elections

H. B. 141 To Committee on Kentucky Statutes No. 1

H. B. 142 To Committee on Railroads

H. B. 143 To Committee on Trade and Commerce

H. B. 144 To Committee on Public Health No. 1

H. B. 145 To Committee on Agriculture No. 1

H. B. 146 To Committee on Public Utilities

H. B. 147 To Committee on Municipalities

H. B. 148 To Committee on Circuit Courts

H. B. 149 To Committee on Kentucky Statutes No. 1

H. B. 150 To Committee on Roads and Highways No. 1

H. B. 151 To Committee on Kentucky Statutes No. 1

H. Res. 21, 22, 23, 24, 25, 26, 27 To Committee on Claims.

H. Res. 28 To Committee on Kentucky Statutes No. 1

The House took up for consideration from the Calender, bills of the following titles, viz.:

H. B. 131. An Act authorizing the fiscal courts of any counties in this Commonwealth to maintain fire departments, etc.

H. B. 117. An Act authorizing and empowering cities to acquire, erect, maintain and operate a system of parking meters.

H. B. 110. An Act providing a sinking fund for building purposes in cities of the second class.

H. B. 94. An Act relating to elections.

With a Committee Amendment thereto.

H. B. 127. An Act relating to game and fish.

H. B. 84. An Act relating to drainage districts.

H. B. 99. An Act pertaining to trial commissioners to be appointed by county judges.

H. B. 57. An Act pertaining to the covenants of county officers; surety bond and premium to be paid by the county.

With Committee amendment thereto.

H. B. 121. An Act relating to places of entertainment.

H. B. 105. An Act relating to office space for officers and employees of the Department of Welfare, Division of Old Age Assistance.

H. B. 116. An Act relating to the cutting and removal of brush.

H. B. 118. An Act amending, repealing and re-enacting Sec. 23 of Carroll's Kentucky Civil Code of Practice, relating to persons who may be made defendants, etc.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills a tlength being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 1. An Act relating to the Militia of this State.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. KENTUCKY ACTIVE MILITIA AUTHORIZED:

Sections 2711a-145 to 2711a-150, inclusive, being Chapter 51 of the Acts of 1934, and being sections ..... to ....., inclusive, of the Kentucky Revised Statutes, are hereby repealed and reenacted and when reenacted shall read:

That whenever the President of the United States shall call any part of the National Guard of this State into active Federal service, the Governor is hereby authorized to organize the Kentucky Active Militia under such regulations as the Secretary of War may prescribe for discipline and training.

§ 2. GOVERNOR SHALL BE COMMANDER-IN-CHIEF:

The Governor shall be Commander-in-Chief of the Kentucky Active Militia, and the Adjutant General shall be the Executive Officer and shall be responsible to the Governor for the proper functioning of the Kentucky Active Militia, and he is hereby authorized and empowered to take necessary action to perfect and maintain an efficient organization for the purposes herein set out. He shall have charge of all matters of administration and organization, which shall be in all respects, insofar as necessary and applicable, the same as that of the National Guard.

§ 3. EXECUTIVE COUNCIL:

For the purpose of assisting the Executive Officer in the organization and maintenance of the Kentucky Active Militia an Executive Council of three (3) members is hereby created. They shall be appointed by the Governor and they are hereby empowered to make and promulgate, through the Adjutant General, rules and regulations for the organization and government of the Kentucky Active Militia; to prescribe the uniforms and badges or insignia to be worn; to prescribe the character of arms to be used; and to have general supervision of the Kentucky Active Militia as regards to all matters not definitely fixed by law. Said Executive Council shall hold meetings at the State Capitol at Frankfort, Kentucky, whenever called by the Adjutant General after due notice to that effect. The members of the Executive Council

shall serve without compensation when attending meetings of the Council but shall be allowed their reasonable expenses so incurred.

§ 4. GOVERNOR TO ORGANIZE KENTUCKY ACTIVE MILITIA:

The Governor is hereby authorized to enlist, organize, maintain, equip, discipline and pay when called into active field service a volunteer defense unit other than the National Guard, to be known as the Kentucky Active Militia, which shall consist of able bodied males who are residents of the State of Kentucky and who are between the ages of eighteen (18) and sixty-four (64). At no time shall the number of enlisted men and officers in the Kentucky Active Militia exceed two thousand (2,000).

§ 5. GOVERNOR AUTHORIZED TO COMMISSION NECESSARY OFFICERS:

The Governor of Kentucky is hereby authorized to appoint and commission the necessary officers for the Kentucky Active Militia. The Adjutant General of the State with the approval of the Governor shall prescribe rules and regulations governing the enlistment, organization, administration, pay, equipment, discipline and discharge of the personnel of the Kentucky Active Militia; obtain by requisition or purchase from the Secretary of War such necessary arms and equipment as may be secured from the War Department, or procure from some other source the necessary arms and equipment to maintain and equip the Kentucky Active Militia; and provide the necessary space for the housing of property and for the purpose of drills and instruction.

§ 6. COMMISSIONS FOR OFFICERS AND ENLISTMENTS AND DISCHARGES FOR ENLISTED MEN:

All officers shall be appointed and commissioned by the Governor. All men shall be enlisted by the unit commanders and shall be discharged upon order of the Governor for the same reasons as men are discharged from the National Guard, when such discharge is requested in writing by the unit commanders.

§ 7. OATH OF COMMISSIONED OFFICERS AND ENLISTED MEN:

All officers and enlisted men of the Kentucky active Militia shall take an oath similar to that required to be taken by commissioned officers and enlisted men of the National Guard. Said oath when duly subscribed to shall be filed with and preserved by the Adjutant General of Kentucky. The oath shall be administered to all officers by any person authorized to administer an oath. The Commanding Officers of the units are authorized and empowered to administer the oath to all enlisted men in their units.

§ 8. THE GOVERNOR MAY DISBAND AND REORGANIZE THE KENTUCKY ACTIVE MILITIA:

The Governor shall have the power to alter, divide, annex, disband or reorganize any organization of the Kentucky Active Militia whenever in his judgment the efficiency of the State forces will thereby be increased, and he shall have power to change the organization so as to conform to the regulations now or hereafter prescribed by the laws of the United States for the organization of the National Guard.

§ 9. GOVERNOR AUTHORIZED TO CALL KENTUCKY ACTIVE MILITIA INTO ACTIVE SERVICE:

The Governor is hereby authorized to call and to assign any part of the Kentucky Active Militia to active service for the purpose of resisting invasion, suppressing rebellions, insurrections, riots or threats thereof; to suppress any active,

unlawful or threatened violence to persons or property in this State; to authorize the arrest of all persons engaged in aiding or abetting therein; to investigate any acts of treason, sabotage or attempted sabotage and to cause the arrest of such persons engaged therein for aiding and abetting; to protect life and property in the event of any emergency or disaster. The Governor may by his order prescribe the duty to be performed by the troops thus called into active field service. The Governor may direct the commanding officer of such military forces thus ordered into service to report to any of the following named civil officers of the district, county, city or town: Circuit judge, sheriff, county judge or mayor; and such civil officers may direct the specific object to be accomplished by such military force, but the tactical direction and disposition of the troops and the particular means to be employed to accomplish the object shall be left solely to the officers of the Kentucky Active Militia. Troops shall not be relieved from active field service except by order of the Governor.

§ 10. CODE OF REGULATIONS:

The system of organization, armament, discipline and government shall be prescribed from time to time in a "Code of Regulations" to be promulgated by the Adjutant General after being authorized by the Executive Council.

§ 11. DRILLS AND ARMS AUTHORIZED FOR THE KENTUCKY ACTIVE MILITIA:

Companies and other units of the Kentucky Active Militia are hereby authorized to drill, to parade and to have all other ceremonies, privileges and rights in regard to such matters, within the State, as is authorized by law for the National Guard.

§ 12. OFFICER OR SOLDIER REFUSING TO OBEY:

Any officer or soldier of the Kentucky Active Militia who shall refuse or neglect to obey the orders of the commanding officer or of any officer or non-commissioned officer legally appointed as his superior, or who shall wilfully fail to report for or attend any duly prescribed drill or formation or who shall wilfully breach the discipline or infringe any of the rules and regulations prescribed for said Kentucky Active Militia shall be guilty of a misdemeanor and shall be punishable in courts of criminal jurisdiction by a fine of not less than $1.00 or more than $25.00 for each offense, and cost.

§ 13. OFFICE IN ACTIVE MILITIA NOT INCOMPATIBLE WITH ANY OTHER CIVIL OFFICE:

No office in the Kentucky Active Militia shall be incompatible with any civil office in the Commonwealth, either State, county, district or city.

§ 14. NOT LIABLE FOR ACTS DONE IN PURSUANCE OF DUTY:

Officers and enlisted men of the Kentucky Active Militia ordered into active service by proper authority shall not be liable civilly or criminally for any act or acts legally done in the pursuance of their duty in such service.

§ 15. COMMANDING OFFICERS' VISITS OF INSTRUCTION AND INSPECTION:

Commanding and staff officers of regiments and battalions are hereby authorized to make such visits of instruction and inspection, when authorized by the Adjutant General to do so, as in his discretion may be necessary. When making said visits they shall serve without compensation but shall be allowed reasonable expenses.

§ 16. PAY FOR MEMBERS OF KENTUCKY ACTIVE MILITIA WHEN ON ACTIVVE DUTY:

Officers and enlisted men when called into active field

service of the State as provided and defined in this Act, beginning with the day they assemble at their armories or other designated places until the day they return thereto and have been properly relieved, inclusive, fractional parts of a day counting as a full day, shall receive pay at the following daily rates:

Major General	$12.00
Brigadier General	10.00
Colonel	8.00
Lieutenant Colonel	7.00
Major	6.00
Captain	5.00
First Lieutenant	4.50
Second Lieutenant	4.00
Warrant Officer	3.50
Master Sergeant	3.00
Technical Sergeant	2.75
First Sergeant	2.50
Staff Sergeant	2.25
Sergeant	2.00
Corporal	1.75
Private	1.50

and in addition thereto actual and necessary cost of transportation, when such transportation is not furnished in kind. Officers shall be allowed not to exceed three dollars ($3.00) per day in lieu of quarters and subsistence, when such quarters and subsistence are not furnished in kind. Enlisted men shall receive subsistence in addition to the pay and transportation provided above.

§ 17. EXPENSE TO BE PAID OUT OF ANY MILITARY DEPARTMENT BUDGET APPROPRIATON:

All necessary cost and expense of perfecting and maintaining the organization of the Kentucky Active Militia, the payment of salaries, expenses of administration, purchase of

necessary equipment, supplies, printing, postage and all other necessary expenditures shall be paid out of any budget appropriation made for the present or that may be made for any future fiscal year, for use of the Military Department, and the Adjutant General is hereby authorized and empowered to use any funds so appropriated interchangeably for the Kentucky Active Militia or the National Guard, except as to the Armory Fund. In the event there are not sufficient funds in the budget allotted to the Adjutant General, the Governor is authorized to expend from his Emergency Fund or any other fund appropriated by the Legislature a sufficient amount to take care of any deficiency that may arise.

§ 18. OFFICERS AND ENLISTED MEN RIGHT TO CARRY ARMS:

Officers and enlisted men of the Kentucky Active Militia when ordered on active duty as prescribed herein shall have the right to carry arms. All officers and enlisted men shall have the right to carry arms at any drill or ceremony.

§ 19. IMPERSONATING A MEMBER OF THE ACTIVE MILITIA; PENALTY:

Any person who shall wear any uniform or insigna or badge duly authorized as a designation of an officer or an enlisted man of the Kentucky Active Militia, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than $1.00 nor more than $10.00 at the direction of the Court or Jury.

§ 20. REPEALS:

All acts or parts of acts in conflict herewith are to the extent of such conflict hereby repealed.

§ 21. EMERGENCY CLAUSE:

WHEREAS, the United States of America is now at war with several foreign nations and all of the Kentucky National Guard, which heretofore was used by the State of Kentucky to protect and safeguard life, liberty and property and to prevent lawlessness and in any other emergency, has been called into Federal service, the Kentucky Active Militia is badly needed to protect life and property; and

WHEREAS, under the present law of the State of Kentucky the State is not permitted to equip them in any manner, and they are badly in need of uniforms and other equipment in order that they may be called into active service which may be needed at any time;

An emergency is hereby declared to exist and this Act shall take effect immediately upon its passage and approval by the Governor.

§ 22. PARTIAL INVALIDITY OF THIS ACT:

If any section, sub-section, sentence, clause or phrase of this Act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act, as it is the intention of the General Assembly in the enactment of this Act to enact each and every section separately and independently of each other.

§ 23. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 36.160, 36.210, all of KRS Chapter 37, and subsection (2) of KRS 38.030, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

§ 24. If the Kentucky Revised Statutes are enacted at the present session, KRS 36.170 shall, upon the taking effect of the Kentucky Revised Statutes, stand amended to read as follows:

"The system of organization, armament, discipline and government of the National Guard shall be prescribed from time to time a code of regulations promulgated by the Governor, subject to the laws and regulations of the United States and to general exceptions authorized by the Secretary of War."

and paragraph (j) of KRS 29.030 shall stand amended to read:

"Officers and enlisted men of the National Guard."

Mr. Henry Ward moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	T. Fowler Combs	T. P. Fitzpatrick
George P. Anderson	Oris Cooper	Joseph J. Grace
Robert E. Barry	M. A. Cornett	A. G. Hamilton, Jr.
W. T. Beard	Rev. W. W. Crouch	Fuller Harding
Robert E. Beatty	Pink G. Curd	E. R. Hilton
Douglas T. Bolling	Dr. J. A. Duff	Clyde S. Howard
Sherman E. Carter	Harry W. Ennis	Jerry F. Howell
C. L. Clayton	John D. Fields	Chas. O. Humston

W. H. Hunt	C. E. Montgomery	Otto Smither
Joe B. Jarboe, Jr.	F. E. Morancy	Charles L. Spilman
Crow Jarvis	E. R. Morlidge	James D. Stacey
William L. Jones	C. Sid Nabb	J. Claude Stacy
John S. Juett	Coy Nevitt	R. C. Stephenson
W. A. Lamkin	Robert Nicholas	Thomas M. Swope
H. W. Linville	H. C. Patterson	C. W. Taylor
A. L. Love	Paul Pelfrey	Egbert Taylor
William Lovett	B. W. Porter	Roy L. Taylor
Harry K. Lowman	Kleber F. Price	Rev. H. Tinsley
Hugh D. Lyon	James E. Quill	John L. Trumbo
H. McCartney	L. Allen Rhoads	Erna E. Tyra
Cary McDevitt	Dr. J. J. Rice	J. Wood Vance
Norris McPherson	Wade H. Riley	C. R. Walden
Dr. Wm. C. Mann	Dr. M. M. Robinson	Harry Walters
Ed. Marcum	Byron H. Royster	H. A. Ward
C. C. May	Dr. K. N. Salyer	Henry Ward
J. Milton Mefford	Carl Scheben	H. L. Waterfield
D. J. Moore	Leon J. Shaikun	E. Reed Wilson
J. Lee Moore	Faust Y. Simpson	
L. D. Moore	Clyde Smith	—85

Resolved that the title thereof be as aforesaid.

Mr. Henry Ward moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 90. An Act to amend § 2739g-77 of Carroll's Statutes, 1936 edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2739g-77 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

The Department of Highways may purchase, use and operate such kinds, models and makes of passenger motor vehicles as the Commissioner of Highways deems necessary for the proper functioning of the Department of Highways. Such vehicles shall be purchased through the Division of Purchases and Public Properties as now provided by law.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and subsection (3) of KRS 44.050 shall also stand repealed, but KRS 44.050 shall not otherwise be affected by this Act.

§ 3. Due to the restrictions placed upon the sale of passenger motor vehicles by the Federal Government and due to the increase in the price of said vehicles, an emergency is hereby declared to exist and this Act shall become effective immediately after the passage by the General Assembly and approval by the Governor.

Mr. Tinsley moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only, and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	W. H. Hunt	James E. Quill
George P. Anderson	Crow Jarvis	L. Allen Rhoads
Henry Arrowood	William L. Jones	Dr. J. J. Rice
Robert E. Barry	H. W. Linville	Dr. M. M. Robinson
W. T. Beard	A. L. Love	Byron H. Royster
Robert E. Beatty	William Lovett	Dr. K. N. Salyer
Douglas T. Bolling	Harry K. Lowman	Carl Scheben
Gus A. Brooks	Hugh D. Lyon	Leon J. Shaikun
Sherman E. Carter	H. McCartney	Faust Y. Simpson
C. L. Clayton	Cary McDevitt	Clyde Smith
T. Fowler Combs	Norris McPherson	Otto Smither
Oris Cooper	Dr. Wm. C. Mann	Charles L. Spilman
M. A. Cornett	Ed. Marcum	J. Claude Stacy
John Henry Cox	C. C. May	R. C. Stephenson
Rev. W. W. Crouch	J. Milton Mefford	Thomas M. Swope
Guthrie F. Crowe	D. J. Moore	Egbert Taylor
Pink G. Curd	J. Lee Moore	Roy L. Taylor
Dr. J. A. Duff	L. D. Moore	Rev. H. Tinsley
Forest C. Easley	C. E. Montgomery	John L. Trumbo
Harry W. Ennis	F. E. Morancy	Erna E. Tyra
John D. Fields	E. R. Morlidge	J. Wood Vance
T. P. Fitzpatrick	C. Sid Nabb	S. J. Wagner
Joseph J. Grace	Coy Nevitt	Harry Walters
A. G. Hamilton, Jr.	Robert Nicholas	H. A. Ward
Fuller Harding	H. C. Patterson	Henry Ward
Clyde S. Howard	Paul Pelfrey	H. L. Waterfield
Jerry F. Howell	B. W. Porter	E. Reed Wilson
Chas. O. Humston	Kleber F. Price	—83

Resolved that the title thereof be as aforesaid.

Mr. Tinsley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 91. An Act relating to appropriations for the State Soil Conservation Committee and requiring reports in connection therewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Appropriations out of the State Treasury to the State Soil Conservation Committee shall be used to pay the expenses of the committee and to pay the administrative and other expenses of the soil conservation districts already organized or to be organized. Such appropriations shall be expended as the committee considers best to promote soil conservation in this state in accordance with the Act of 1940, c. 8.

§ 2. In its biennial report to the State Budget Officer the State Soil Conservation Committee shall, in addition to the requirements of existing law, state:

(1) The number and acreage of districts in existence or in process of organization;

(2) An estimate of the number and probable acreages of the districts which may be organized during each of the two ensuing fiscal years;

(3) A statement of the balance of funds, if any, available to the committee and to the districts; and

(4) The estimates of the committee as to the sums needed for its administrative and other expenses and for

allocation among the several districts during each of the two ensuing fiscal years.

§ 3. The supervisors of the respective soil conservation districts shall submit to the committee such statements, estimates, budgets, and other information at such time and in such manner as the committee requires.

Mr. Vance moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	John Henry Cox	E. R. Hilton
George P. Anderson	Rev. W. W. Crouch	Clyde S. Howard
Henry Arrowood	Guthrie F. Crowe	Jerry F. Howell
W. T. Beard	Pink G. Curd	Chas. O. Humston
Robert E. Beatty	Dr. J. A. Duff	W. H. Hunt
Douglas T. Bolling	Forest C. Easley	Joe B. Jarboe, Jr.
Gus A. Brooks	Harry W. Ennis	Crow Jarvis
Sherman E. Carter	John D. Fields	William L. Jones
C. L. Clayton	T. P. Fitzpatrick	W. A. Lamkin
T. Fowler Combs	Joseph J. Grace	H. W. Linville
Oris Cooper	A. G. Hamilton, Jr.	A. L. Love
M. A. Cornett	Fuller Harding	William Lovett

Harry K. Lowman	Robert Nicholas	Thomas M. Swope
Hugh D. Lyon	H. C. Patterson	C. W. Taylor
H. McCartney	Paul Pelfrey	Egbert Taylor
Cary McDevitt	B. W. Porter	Roy L. Taylor
Norris McPherson	Kleber F. Price	Rev. H. Tinsley
Dr. Wm. C. Mann	James E. Quill	John L. Trumbo
Ed. Marcum	L. Allen Rhoads	Erna E. Tyra
C. C. May	Dr. J. J. Rice	J. Wood Vance
J. Milton Mefford	Dr. M. M. Robinson	S. J. Wagner
D. J. Moore	Byron H. Royster	C. R. Walden
J. Lee Moore	Dr. K. N. Salyer	Harry Walters
L. D. Moore	Carl Scheben	H. A. Ward
C. E. Montgomery	Leon J. Shaikun	Henry Ward
F. E. Morancy	Otto Smither	H. L. Waterfield
E. R. Morlidge	Charles L. Spilman	E. Reed Wilson
C. Sid Nabb	James D. Stacey	
Coy Nevitt	R. C. Stephenson	—85

Resolved that the title thereof be as aforesaid.

Mr. Vance moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 104. An Act amending charters of cities of the fourth class may provide for the creation of a civil service commission, prescribing its duties and declaring the qualifications of its members; providing for examinations of all applicants for positions as members of the police and fire department in such cities; providing for the appointment and dismissal of policemen and firemen and providing for appeal to the Circuit Court and Court of Appeals; providing for the creation of a Board of Trustees of a pension fund for

policemen and firemen and prescribing the duties of such boards; providing for the establishment and maintenance of a pension fund; and providing for appropriations and stipulating a limitation therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section I:—Definitions as used in this Act, the following words and terms shall have the following meaning:

(A) *Regular Police Department.* For the purpose of this Act, a regular police department is defined as one having a fixed headquarters, where police equipment is maintained and where policeman or policemen are in constant and uninterrupted attendance to receive and answer police calls, and execute regular police patrol duties.

(B) *Regular Fire Department.* For the purpose of this Act, a regular fire department is defined as one having a fixed headquarters where fire fighting apparatus and equipment is maintained, and where a fireman or firemen are in constant and uninterrupted attendance to receive and answer fire alarms.

(C) *Legislative Body.* Wherever in this Act the term "Body" or "Legislative Body" is employed, it shall be construed to mean the legislative branch of the city government.

(D) *Commissions.* The word "Commission", shall mean the board of Civil Service Commissioners, as established under the terms of this Act.

(E) *Trustees.* The word "Trustees" shall mean the "Board of Pension Fund Trustees", as established under the terms of this Act.

(F) *Pension Fund.* The term "Pension Fund", shall mean the monies derived from the policeman or policemen and fireman or firemen's salary or "salaries", and appropriations by the "Legislative Body", or any other sums derived from whatever source by gifts or otherwise to be used for the retirement of Policeman or Policemen and Fireman or Firemen after the prescribed number of years of service and for the benefit of disabled policeman or policemen and fireman or firemen, and for the benefit of widows and dependent children or dependent fathers or mothers in the case of death of a policeman or fireman, within the scope of his employment, according to the terms of this Act.

Section II. Creation of the Civil Service Commission.

That any city of the fourth class which has now, or in which there may be hereafter established a regular police or fire department, in the future, may by ordinance create a Civil Service Commission, whose duties shall be to hold examinations as to the qualifications of applicants for employment within the police or fire departments.

Section III. Qualifications of applicants for Policemen and Firemen.

The Commission shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications to fill the office of policeman or fireman, and as to their knowledge of the English language, and as to the law and rules governing the duties of policemen and firemen. Every member of the police or fire department shall be a qualified voter of the city in which appointed, and shall be able to read and write and understand the English language, and to have such other general qualifications as may be prescribed.

No person shall be appointed a member of the police or fire departments, unless he is well known to be a man of sobriety and integrity, and has been and is an orderly, law-

abiding citizen, nor shall any person be appointed as a member of said police or fire department on account of any political, partisan service rendered by him or on account of political sentiments or affiliations, or who is under 21 years of age or over forty, unless the applicant has had as much as five years' experience as a regular policeman or fireman and is not over fifty five (55) years of age. No member of the police or fire departments shall be removed or discharged or reduced in grade or pay for any political partisan opinion. The appointment and continuance upon the police and fire departments shall depend solely upon the ability and willingness of a person to comply with the rules of the said departments and to perform the duties of said departments. No appointment to or continuance as a member of a police or fire department shall be as a reward for political activity nor be obtained by political services or contributions to campaign funds, nor shall any member of said department pay or collect any assessments made by political organizations, or contribute to political campaign funds, or be unduly active in politics or work for the election of candidates for office. The examination and qualifications provided for in this Act shall not apply to the members of the regular police and fire departments at this time, who have been continuously in the service for a period of three (3) years. Members of police and fire departments otherwise qualified under this law shall hold their positions during good behavior, provided, however, that the provisions of this Act shall not prevent the said city Legislative Body from increasing or decreasing the number of policemen or firemen, as may be deemed proper from time to time, and providing further that in the event the said city Legislative body decreases the number of policemen or firemen, the youngest member in point of service shall be the first to be reduced and returned to the eligible list and to advance according to the rules and regulations of said department.

Section IV. Personnel of the Commission.

The Mayor, by and with the approval of the Legislative Body, shall appoint three citizens, who have been taxpayers and voters of the city for five (5) years previous to their appointment, and who shall not be less than thirty (30) years of age, who shall constitute the Civil Service Commission of said city. Such appointees shall originally be appointed for one year, two years, and three years, respectively, and the successors of such appointees shall be appointed in like manner, each for a period of three years. Any member of the Civil Service Commission shall be eligible for reappointment. Vacancies shall be filled in the same manner as appointments of said commissioners are made, providing that any person appointed to fill a vacancy shall serve only to the end of the term of the commissioner whose office was vacated. Said commissioner shall elect one of their members as Chairman and one as Secretary of the Civil Service Commission. Each of said commissioners shall qualify by taking the oath as prescribed by the Constitution of Kentucky.

Section V. Powers and duties of the Civil Service Commission.

Said Civil Service Commission shall conduct an examination of person for appointment as members of the police and fire departments each time a vacancy shall occur in said departments. The Mayor shall notify the commissioners each time a vacancy occurs in either of said departments and said commissioners shall within two weeks following receipt of such notice hold an examination for persons seeking appointment to such vacancy after giving notice at least five days prior to the holding of such examinations in some newspaper of general circulation in the city. Within one week following the holding of said examination, said commissioners shall cerify to the Legislative Body the names of the three persons receiving the highest grades. The Legislative Body

may appoint any one of said three persans to said department. Providing, however, that in the event a vacancy thereafter occurs in said department, or additions thereto of regular or substitute policemen or firemen are made, within one year following the certification of said names, the Legislative Body shall fill vacancy or make such additions from the list of names certified. The commissioners shall make all rules and regulations for the proper conduct of their office. The Civil Service Commissioners shall receive a salary each of one dollar ($1.00) per annum, paid out of the city's General Fund, for their services and the expense of holding any one examination by the commissioners after due notice by the Mayor has been given to the Chairman of the said Commission that a vacancy occurs in either of said departments and after the eligible list has been exhausted, shall be paid by the Legislative Body out of the city's General Fund, not to exceed ten dollars ($10.00).

Section VI. Removal of Policemen or Firemen.

No member of the police or fire departments shall be removed from the department or reduced in grade upon any reason except inefficiency, misconduct, insubordination or violation of law, or violation of the rules adopted for the departments. Any person may prefer charges against a member of the police or fire departments, which must be filed in the office of the Mayor, who shall, thereupon communicate said charge without delay to the Legislative Body. Said charges must be written, signed by the person making such charges and must set out with clearness and distinctness each and every charge. It shall be the duty of the Mayor and each member of the Legisaltive Body, whenever probable cause appears, to prefer charges against any member of the police or fire departments, whom, he or she bleives to have been guilty of any conduct justifying his removal or punishment in the interest of public order. The charges thus filed shall

be written and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all said charges shall be considered traversed, and put in issue, and the trial shall be confined to matters related to the issue so presented. All charges against members of the police or fire departments shall be filed with the Clerk of the Legislative Body, and within three days after said filing, the Legislative Body shall proceed to hear and examine said charges; provided two days before said hearing the member of the police or fire departments, accused, has been served with a copy of said charges, and a statement of the day, place and hour at which and when the hearing of said charges shall begin. The person accused may, however, in writing, waive the services of said charges, and demand trial within three days after said charges are filed with the Clerk of said Legislative Body. The Legislative Body will have the power to summon and compel attendance of witnesses at all hearings of sittings, by said body, upon subpoena issued by the Clerk of said body, and served upon said witnesses by any officer authorized to serve subpoenas from any court of justice in the county, and said body shall have the power of a Justice of the Peace, to punish for contempt. The member of the police or fire department, the accused, shall have the right to have subpoenaed, in his behalf, any witness he may desire, upon furnishing their names to the clerk of said body, and the action and decision of said body on said charges shall be reduced to writing and shall be entered into a book to be kept for that purpose by the clerk of said Legislative Body, and the written charges filed in this matter shall be preserved and securely attached to the book containing the Legislative Body's decisions.

In cases where the Mayor or Chief has probable cause to believe that a member of the police or fire department has been guilty of any conduct justifying removal or punishment, he may suspend said member from duty, or from both pay

and duty, pending said trial, and said member shall not be placed on duty or allowed pay thereafter until the charges are heard by the Legislative Body. The said Body shall fix punishment against a member of the police or fire departments found guilty of any charge under this Act, by reprimand or suspension for any length of time in their judgment, not to exceed six months or by reducing the grade, if the accused be Chief or other officer, or by combining any two or more of said punishments, or by removal or dismissal from the service of any such member of the police or fire department. No member of the police or fire department except as provided in this Act shall be reprimanded, removed, suspended, or dismissed from the department until written charges have been made, or preferred against him, and a trial had as herein provided.

Section VII. Appeal to Circuit Court and Court of Appeals.

Any member of the police or fire departments who shall be found guilty by the legislative body of any charge as hereinbefore provided, shall have the right to appeal to the Circuit Court of the County in which said city may be located, provided the punishment be a suspension of more than thirty days, or a reduction in grade or a removal or dismissal from the police or fire department, but the enforcement of the judgment of said body under such charges shall not be suspended pending said appeal. Upon the request of the party accused, the Clerk of said body shall file a certified copy of the charges made and the judgment or the findings of the said body in the Circuit Court; which transcript, having been filed, the cause shall be docketed in the Circuit Court and tried de novo, by the Judge of said court. Should the Clerk of said body fail to certify and transmit the transcript aforesaid to the Circuit Court within five days after the request is made for same, then the party aggrieved may file an affi-

davit in the said Circuit Court, setting out as fully as possible the charges made, the time of trial by said court and the judgment of said body, together with the statements of the facts that the demand for transcript had been made upon the clerk of said body more than five days before the filing of said affidavit.

Upon the filing of said affidavit in the Circuit Court, said cause shall be docketed in said court and the Circuit Court is hereby authorized to compel the filing of said transcript by said clerk by entering the proper mandatory orders, and by fine and imprisonment, as in cases of contempt. Such appeal shall have precedence over other business and be taken up and determined speedily. An appeal will lie from the judgment of the Circuit Court to the Court of Appeals, as in other cases, provided the punishment fixed by the body be suspension for more than sixty days, reduction in grade, or removal or dismissal from the department.

Section VIII. Board of Trustees of Pension Fund.

There shall be organized in connection with said police and fire departments a board to be known as the Board of Trustees of the Policemen's and Firemen's Pension Fund, which shall be composed of the Mayor of the City, City Treasurer, Police Chief and Fire Chief, and one member of the City Council or City Commissioner appointed by the Mayor of said city, and said Trustees shall select from their number a president and secretary. The City Treasurer shall be ex-officio Treasurer of said board and custodian of its funds.

Section IX. Appropriations, Service Records, Gifts of Monies, Fees, Rewards and Investment of Funds.

The Legislative Body may appropriate out of the General Fund of the said city, each month an amount equal

to the monthly amount paid into said fund by the Policemen's and Firemen's salaries as a fund for the pensioning of any Policeman or Fireman who has served in the police or fire departments for at least a period of twenty years or more, providing the applicant has reached his 51st birthday, and all members of the police and fire departments shall be entitled to be credited with the service rendered continuously prior to the adoption ordinances of this Act, by said city, to the eligibility of the twenty year or more, period for pension, not less than three years nor to exceed fifteen years of previous service, and for the further purpose of pensioning any member of the police or fire department who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependent children under the age of fourteen (14) years of age, or either of them, of any member of the said departments who may lose his life while in the service and on active duty, and all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any member of either of said departments shall be paid into the treasury to the credit of the policemen's and firemen's pension fund. The payment so made, together with the appropriation shall constitute and be kept as a fund to be called the Policemen's and Fireman's Pension Fund, and the said Board of Trustees of the Policemen's and Firemen's Pension Fund is hereby declared to be the Trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to pursue all the necessary remedies in the premises.

Section X. Powers of the Board of Trustees—Assessment of Policemen and Firemen

Said Board of Trustees of the Policemen's and Firemen's

Pension Fund shall have the exclusive control and management of the said fund and all monies donated, paid or assessed for the relief or for pensioning retired, crippled or disabled members of the police or fire departments or the widows and dependent children under the age of fourteen (14) years or dependent fathers or mothers of any members of the departments killed in the service, while on duty, and shall assess each member of the police and fire departments not exceeding three and one-half (3½) per centum of the salary of such member, to be deducted and withheld from the monthly pay of each member so assessed, the same to be placed by the Treasurer of each city to the credit of such fund, subject to the order of such Board.

Section XI. Board of Trustees; Rules and Regulations.

The said Board of Trustees of the Policemen's and Firemen's Pension Fund shall have all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief or pensions under this Act, and its decision of such applications shall be final and conclusive, and not subject to revisions or reversal, except by said Board, and a record shall be kept of all meetings and the proceedings of said Board.

Section XII. Character of Investments of Pension Fund.

The said Board of Trustees of Policemen's and Firemen's Pension Fund shall have the power to draw such pension fund from the Treasury and may invest the same, or any part thereof, in the name of the Board of Trustees of the Policemen's and Firemen's Pension Fund, in interest-bearing bonds of the United States or the state of Kentucky, or any county or city of the first, second, third or fourth class in the state of Kentucky, or in any securities in which trustees, or guardians are permitted to invest, trust or guardianship

funds under the laws of this state, and all such securities shall be deposited with the Treasurer of said city, as ex-officio Treasurer of said Board and shall be subject to the order of said Board.

Section XIII. Both Principal and Interest Apply.

Both the principal and interest of said pension fund shall be applicable to the payment of pensions under this Act.

Section XIV. Pension for Disabled Policemen and Firemen; Dependents; Amounts.

If any member of the police or Fire Departments, while in the performance of his duty, becomes temporarily, totally disabled, physically or mentally for services by reason of service in such departments, the Board of Trustees shall order the payment to such disabled member, monthly during such disability, not to exceed one year, from such pension fund not exceeding sixty dollars ($60.00) per month, the said amount to be determined by the Board of Trustees, provided such member, during the same period, is paid no salary as such member. If any member of the Police or Fire Departments, while in the performance of his duty, becomes mentally or physically permanently disabled by reason of service in either of said departments so as to render necessary his retirement from service in either of said departments, said Board of Trustees shall retire such disabled member from service in either of said departments, provided no such retirement on account of disability shall occur, unless said member has contracted said disability while on duty in the service of said police or fire department, and upon such retirement, the Board of Trustees shall order the payment to such disabled member of such police or fire department, monthly, from such Pension Fund, a sum equal to one-half of the monthly salary such member was receiving at the date of his retirement, providing such member has had twelve

(12) or more years' constant service in either of said departments. Any member of the said police or fire departments who has less than twelve (12) years of constant service in the said department and becomes disabled for service and eligible for retirement under this Act shall receive monthly such sum from such Pension Fund fixed by the Board of said Trustees any amount not to exceed one-half of the amount which such said member of police or fire department was receiving in monthly salary at the date of his retirement. If any member of said police or fire department shall, while in the performance of his duty, be killed or die as a result of an injury received in the line of his duty, or of any disease contracted by reason of his occupation, or shall die from any cause whatsoever as a result of his services in either of said departments, and while in said service, or after having served continuously for twelve (12) years, shall die while in the service or on the retired list from any cause, and shall leave a widow or child or children under the age of fourteen (14) years, said Board of Trustees shall direct the payment from said Pension Fund, monthly, to such widow, while unmarried, the sum of thirty dollars ($30.00) and for each child until it reaches the age of fourteen (14) years, six dollars ($6.00), and to the dependent father and mother to be paid as follows: If the father be dead, the mother shall receive the entire thirty dollars ($30.00), and if the mother be dead, the father shall receive the entire thirty dollars ($30.00); and if both be living, each shall receive fifteen dollars ($15.00).

Section XV. Payments when Funds Insufficient.

If at any time there shall not be sufficient money in such Pension Fund to pay each person entitled to the benefit thereof, the amount per month as herein provided, then an equal percentage of each monthly payments shall be made to each beneficiary until the said fund shall be replenished to war rant the payment in full to each of said beneficiaries.

Section XVI. Amount of Pension After Twenty Years Service.

Any member of the Police and Fire Departments of such cities having served twenty (20) years or more and has reached his 51st birthday in such police or fire departments, and if his application to be relieved from such police or fire departments is granted, the said Board of Trustees shall order and direct that such person be paid monthly pension equal to one-half of the amount of the salary said person is or was in receipt of as a member of said department at the time of granting application.

Section XVII. Funeral Expense Benefit.

Whenever an active or retired policeman or fireman dies from any cause, the Board of Trustees shall appropriate from the Pension Fund, a sum not exceeding one hundred dollars ($100.00), made payable to the widow or family for funeral expenses.

Section XVIII. Pension Limitations.

No person shall be entitled to receive any pension from the said Pension Fund under this Act, except a regularly retired member or a regular member in the said police or Fire Department, his widow or children under the age of (14) years, or dependent mother or father.

Section XIX. Treasurer to Furnish Bond.

The Treasurer of the Board of Trustees of the Policemen's and Firemen's Pension Fund shall be the custodian of said Pension Fund and shall securely and safely keep the same, subject to the control and direction of said Board, and shall keep his or her books and accounts concerning such fund in such manner as may be prescribed by the Board and the said books and accounts shall always be subject to the inspec-

tion of the Board, or any member thereof. The Treasurer shall, within ten days after his appointment or election, execute a bond to the city with good and sufficient surety, in such penal sum as the Legislative Body shall direct, to be approved by the Legislative Body of said city, conditioned for the faithful performance of the duties of his or her office, and that he or she will safely keep and will and truthfully account for all money and properties which may come into his or her hands as such Treasurer; and that, upon the expiration of his or her term of office, he or she will surrender and deliver to his or her successor all bonds, securities, and all unexpended monies or other properties which may have come into his or her hands as Treasurer of said fund. Said bond shall be filed in the office of the City Clerk, as other bonds, and may be sued on in the name of the said city, for the use of said Board of Trustees, or in the name of the Board of Trustees, or any person or persons injured by a breach thereof. The premium on said bond shall be paid out of said pension fund in the manner under this Act for expending sums.

Section XX. Warrants to issue for Sums Due Pension Fund.

It shall be the duty of such officer or officers of the said city as are designated by law to draw warrants on the treasurer of said city, on request in writing by said Board of Trustees, payable to the Treasurer of said Board of Trustees for all funds belonging to said Pension Fund as aforesaid.

Section XXI. Warrants; How Signed.

All monies ordered to be paid from said pension fund to any person or persons, shall be paid by the Treasurer of the Board of Trustees only upon warrants signed by the President of said Board and countersigned by the Secretary thereof, and no warrant shall be drawn except by order of the

Board, after having been duly entered on the records of the proceedings of the Board of Trustees.

Section XXII. Report of Board of Trustees.

The Board of Trustees of the Policemen's and Firemen's Pension Fund, shall, make a report in writing, signed by the President and Secretary of said Board, to the Legislative Body of said city of the condition of said Pension Fund on the first meeting in September of the Legislative Body of said city in each and every year.

Section XXIII. Pension Not Subject to Attachment.

No portion of said Pension Fund shall, before or after its order for distribution by the Board of Trustees to the persons entitled thereto, be held, seized, taken, subjected to or detained or levied upon by virtue of any attachments, execution, injunction, writ, interlocutory, or other order, or decree, or any process or proceeding whatever issued out of or by any court of this state for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against the beneficiary of said fund, but said fund shall be held and distributed for the purpose of this Act, and for no other purpose whatever.

Section XXIV. City Attorneys; Duties.

It shall be the duty of the attorneys for the said cities, to give advice to the Board of Trustees of the Policemen's and Firemen's Pension Fund in all matters pertaining to their dutiees and management of said fund whenever requested, and he shall represent and defend said Board as its attorney in all suits or actions at law, or in equity that may be brought against it, and bring all suits and actions in its behalf that may be required or determined upon by said Board.

Section XXV. Adoption Ordinance; How Repealed, And Dissolvement of Pension Fund in the Treasury at time of Adoption Ordinance Repeal Under this Act.

In the event that the provisions of this Act are accepted and adopted by the Legislative Body of a city of the fourth class by ordinance, as herein provided, the repeal of such ordinance shall not become effective unless adopted by the unanimous vote of the duly elected members of such Legislative Body. If, in the event a repeal ordinance is adopted by such Legislative Body, all monies or property belonging to the Policemen's and Firemen's Pension Fund at the time of the repeal of the said Adoption Ordinance, shall be dissolved or liquidated by the Board of Trustees of said Policemen's and Firemen's Pension Fund and distributed by said Board in the following manner:

Within sixty (60) days of adoption by said Legislative Body of said repeal ordinance, the said Board of Trustees shall proceed with the liquidation of said Pension Fund as follows: All unexpended monies appropriated to said Pension Fund out of the said City's General Fund to the Policemen's and Firemen's Pension Fund by the said Legislative Body of such city and at the time of adoption of a repeal ordinance shall revert back to the City's General Fund. All other unexpended monies or property which has come into the said Pension Fund's hands shall be liquidated by said Board of Trustees in the following manner: All unexpended monies in the said Pension Fund which accumulated thereto by assessments from Policemen's and Firemen's salaries and gifts as accumulated thereto in any manner, except appropriations from the said City's General Fund shall revert back to the active or retired members of the said Policemen and Firemen and dependents who have qualified under this Act in such city. In the division to the beneficiaries, the Board of said Trustees shall use in the division of said fund the percentum of the present salaries of such members. After all

disbursements have been made of said fund by the Board of Trustees, the said Board of Trustees shall file, as their last act, a complete report of same with said Legislative Body within thirty days, and such report shall be kept in the office of the City Clerk as other city records.

Section XXVI. Voluntary Retirement.

No policeman or fireman shall be entitled to the benefits herein provided incidental to voluntary retirement from either of said departments on account of service, unless he shall have been employed continuously for a period of at least five (5) years from and after the date of the passage of the adoption ordinance by the Legislative Body and the amount of such sum paid to such member, shall be fixed by the Board of Trustees payable monthly, not to exceed one-half of salary such member was in receipt of at the time of voluntary retirement. The payments fixed by said Trustee to such member, shall not exceed one (1) year.

Section XXVII.

When the provisions of this Act have been accepted and adopted by the legislative body of any city of the fourth class, §§ 3493 and 3494 of Carroll's Statutes shall not apply to that city.

Section XXVIII.

If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the numbers "KRS 95.700(2), 95.710 and 95.760" shall be substituted for "§§ 3493 and 3494" in section XXVII of this Act.

Mr. Howard offered the following amendment to said bill, viz:

Amend H. B. 104 on page 3, section 3 line 6 to 8 by strik-

ing out the words "Every member of the police or fire department shall be a qualified voter of the city in which appointed."

Said amendment was agreed to.

Mr. Cox moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Pink G. Curd	Crow Jarvis
Henry Arrowood	Dr. J. A. Duff	William L. Jones
W. T. Beard	Forest C. Easley	W. A. Lamkin
Robert E. Beatty	Harry W. Ennis	H. W. Linville
Douglas T. Bolling	John D. Fields	A. L. Love
Gus A. Brooks	T. P. Fitzpatrick	William Lovett
C. L. Clayton	Joseph J. Grace	Hugh D. Lyon
T. Fowler Combs	A. G. Hamilton, Jr.	H. McCartney
Oris Cooper	E. R. Hilton	Norris McPherson
M. A. Cornett	Clyde S. Howard	Dr. Wm. C. Mann
John Henry Cox	Jerry F. Howell	Ed. Marcum
Rev. W. W. Crouch	Chas. O. Humston	C. C. May
Guthrie F. Crowe	W. H. Hunt	J. Milton Mefford

D. J. Moore	Wade H. Riley	Roy L. Taylor
J. Lee Moore	Dr. M. M. Robinson	Rev. H. Tinsley
L. D. Moore	Byron H. Royster	John L. Trumbo
C. E. Montgomery	Dr. K. N. Salyer	Erna E. Tyra
F. E. Morancy	Carl Scheben	S. J. Wagner
E. R. Morlidge	Leon J. Shaikun	C. R. Walden
C. Sid Nabb	Faust Y. Simpson	H. A. Ward
Coy Nevitt	Charles L. Spilman	Henry Ward
B. W. Porter	R. C. Stephenson	H. L. Waterfield
Kleber F. Price	Thomas M. Swope	E. Reed Wilson
James E. Quill	C. W. Taylor	
L. Allen Rhoads	Egbert Taylor	—73

Those who voted in the negative were—

Sherman E. Carter	Fuller Harding	Dr. J. J. Rice

—3

Resolved that the title thereof be as aforesaid.

Mr. Cox moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 71. An Act prohibiting deficiency judgments.

Mr. Grace moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to.

A message was received from the Senate announcing that they had passed bills and a resolution which originated in that body, entitled:

S. Res. 6. WHEREAS, the Commissioner of Highways, in preparing quarters for the Department of Highways in the new State Office Building, has expended during the year 1941 from the Highway Fund approximately One Hundred and Fifty Thousand ($150,000) Dollars, and

WHEREAS, provision was not made in the Budget Bill adopted by the General Assembly in 1940 for the allocation of such funds, and

WHEREAS, the Legislature knows that such expenditures were needed,

Said resolution is as follows, viz:

Now, Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky,

That all money expended by the Commissioner of Highways during the fiscal year 1940-1941 for partitions, equipment and other necessary work in the new State Office Building be and the same are hereby ratified and approved up to the sum of One Hundred and Fifty Thousand ($150,000) Dollars.

S. B. 23. An Act authorizing the judges of all courts in this Commonwealth to confiscate any deadly weapon found on the person of, or used by any person in the commission of a crime upon said person being convicted in any of said courts and authorizing the judges of said courts to confiscate or otherwise dispose of all such weapons now held in the custody of said courts.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Upon the conviction of any person for the violation of any law of this Commonwealth in the unlawful use of any deadly weapon, any such weapon used by such person in the

commission of said offense or found in his possession or control shall be confiscated, donated to any officer of the Federal, State or County Government, or sold by the Sheriff of the county by order of the court wherein such conviction is had.

The judge of any court now having in its possession or under its control any deadly weapon taken from any person heretofore convicted or charged with any offense for the violation of the use of such weapons is hereby authorized to confiscate, donate to any officer of the Federal, State or County Government, or to have same sold by Sheriff of the County. If said weapons are sold by the Sheriff, any fund received from the sale thereof shall be turned over to the school fund of said county.

S. B. No. 30. An Act placing in classified service under the merit system, certain offices, positions, and places of employment, in and under cities of the first class, in the Department of Public Safety, Department of Public Health, Department of Public Welfare, and the Civil Service Board, and providing methods for extension of classified service in said Departments and Board; providing methods for extension of classified service to other offices, positions, and places of employment, in and under said cities, and to offices, positions, and places of employment, under joint control of cities of the first class and the counties in which said cities are located; providing rules, regulations, and procedure; providing for the creation of a Civil Service Board to administer such classified service; providing for the appointment of the members of the Board, their qualifications, terms, and for their removal; empowering the Board to employ persons necessary and proper for the efficient conduct of the activities of the Board, including, but not limited to, a Personnel Director and a Chief Examiner, who are required to be employed; defining the rights, powers, and duties of the Board, including, but not limited to, the establishment of rules, regulations, and procedure; providing for compensa-

tion for the members of the Board and its employees, and expenses; defining terms; prohibiting political activity and prescribing penalty therefor; denouncing other violation of the provisions of this act as a misdemeanor and prescribing penalty therefor; providing for such tax levies and appropriations by said cities as are necessary to effectuate the purposes of this act; repealing all acts and parts thereof inconsistent herewith and particularly certain sections of the Kentucky Statutes, to wit: K.S. 2866-1, 2866-2, 2866-3, 2866-4, 2866-5, 2866-6, 2866-7, 2866-8; K.S 2867, K.S. 2862-1, 2863-2, 2863-3, 2863-4, 2863-5, 2863-6, 2863-7, 2863-8, 2863-9, 2863-10, 2863-11; providing for beginning date of operation hereunder.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. DEFINITIONS. The following terms as used in this act, shall have the following meanings, unless the context clearly requires otherwise:

"Emergency Appointment" means any appointment to any position subject to the provisions of this act, which may be made only in the absence of an appropriate eligible list for the position and which may be made without competitive examination pending the establishment of an eligible list and which appointment shall not exceed the duration of the emergency and in no case to exceed ninety days in any one fiscal year.

"Probationary Appointment" means an appointment to any position subject to the provisions of this act, which shall be made in accordance with the provisions of Section 5 of this act and which shall not be less than six months nor more than one year in duration.

"Regular Appointment" means an appointment to a position subject to the provisions of this act made after an

employee has served a probationary period in a manner deemed satisfactory to the appointing authority.

"Director" means the Personnel Director, as provided for in Section 3 of this act.

"Position" means every place of employment in the classified service hereunder including office.

"Employee" means any person in the classified service hereunder.

"Classified Service" means all positions in cities of the first class within the jurisdiction of the "Board", and within the purview of this act.

"Board" means the Civil Service Board created hereunder.

"Appointing Authority" means the officer, board, commission, department, agency, person or group of persons, having the power of appointment to and removal from positions in the classified service as provided for in this act.

"Competitive Examination" shall include consideration and rating of any or all of the following qualifications of applicants; education, training, experience, general adaptability, special aptitude, physical fitness, knowledge, skill, personality, character, and such other qualifications as may be deemed necessary for the satisfactory performance of the duties of the respective positions.

"Eligible List" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions as provided for in this act.

"Service Ratings" means the evaluation of the efficiency and general worth of employees in positions subject to the provisions of this act as determined by the appointing authority.

"Dismissal" means the discharge of an employee by the appointing authority.

"Lay Off" means the separation of an employee from the classified service because of a reduction of force owing to decreased work or decreased funds in the department, commission, board or agency in which the employee has been employed.

"Class" or "Class of Positions" means a position or group of positions subject to the provisions of this act sufficiently similar in duties, responsibilities and qualification requirements to be designated by the same title and placed within the same salary range.

"Reinstatement" means the reappointment of a person who formerly held a position, subject to the provisions of this act, to such former position or to any other position in the same class.

"Transfer" means a change by an employee from one position to another position within the same class.

"Promotion" means a change from a position in a lower class to a position in a higher class involving an increase in responsibility or a change in title.

"Demotion" means a change from a position in a higher class to a position in a lower class involving a decrease in responsibility or a change in title.

"Suspension" means the separation of an employee from the service for a temporary or fixed period of time, which separation is inflicted upon the employee by his appointing authority, as a disciplinary measure under the rules established by the Board.

"Public Hearing" means such as may be given after public notice of at least five days, so that any person or persons may have an opportunity to appear before the "Board" and be heard on the matter involved.

Section 2. Civil Service Board. There shall be created and established in cities of the first class a Civil Service Board

to be known as ..... Civil Service Board.
(insert name of City)

Said Board shall be composed of three persons in sympathy with the merit principle of public personnel administration. The members of the Board shall be appointed by the Mayor for terms of four years, commencing always on the first day of July, except that the members of the first Board so appointed shall serve terms of two, three, and four years, respectively, as designated by the Mayor at the time of appointment. Thereafter all appointments shall be for a term of four years. Vacancies created by death, resignation, or otherwise, shall be filled for the unexpired portion of the term only. Any member of the Board appointed according to the provisions of this act, shall be eligible for reappointment.

No member of the said Board shall be eligible for any appointive office of the City while a member of said Board, or for one year thereafter. If a member of the Board becomes a candidate for an elective office, he thereby vacates his position as a member of the Board.

Any member of the Board may be removed by the Mayor, for cause, after hearing by the Mayor, and after at least ten days' notice in writing shall have been given to the member, which notice shall contain a copy of charges preferred against him. At the hearing he may be represented by counsel. The finding of the Mayor shall be final and removal results in vacancy in such office.

Each member of the Board may be paid a salary not to exceed a per diem allowance of $10.00 for each meeting attended, provided, however, that the annual allowance of any one member of the Board shall not exceed the sum of $500.00 in any one fiscal year, and in addition thereto members shall be reimbursed for necessary travel and other expenses incurred in connection with their duties as members.

The Board shall hold at least one regular meeting in each month and shall hold such additional meetings as may be necessary.

The Board shall keep full and complete minutes of its proceedings, which minutes shall, subject to reasonable regulations, be open to public inspection.

The Board shall elect a Chairman and a Vice Chairman from its members, and the Personnel Director shall be Secretary-Treasurer thereof.

The Board is authorized and empowered to employ such persons as may be necessary and proper for the efficient conduct of its activities hereunder. The Board may fix the compensation to be paid such employees, in accordance with the schedule of salaries established, or that may be established, by ordinance.

Section 3. PERSONNEL DIRECTOR; CHIEF EXAMINER. The Board shall employ a Personnel Director who shall be the administrative officer of the Board. The Personnel Director shall be at the time of appointment, a person familiar, and in sympathy, with the principles, and experienced in the methods and technique, of personnel administration on the merit basis and a person of recognized character and ability.

The Personnel Director may be removed only for cause and after public hearing by the Board and after at least ten days' notice shall have been given to the said Director, which notice shall contain a copy of the charges preferred against him, and the decision of the Board thereon shall be final. At such hearing the Personnel Director may be represented by counsel.

The Personnel Director shall be the Secretary-Treasurer of the Board and shall attend all the meetings thereof; shall set up and direct the actual work of the Board; supervise and direct the work of the employees thereof; make such investigations as may be deemed desirable and report thereon to the Board. The Personnel Director shall submit to the Board not later than the first day of November of each year an annual report on the operations of the Board for the pre-

ceding fiscal year, and shall discharge all such other duties as the Board may require.

The Board shall employ a Chief Examiner who shall assist the Personnel Director and perform such other duties as the Board may require.

The Director of Finance of the City shall immediately certify to the Personnel Director the name of any person in the classified service added to or removed from the payroll.

Section 4. POWERS AND DUTIES OF THE BOARD.

Subsection 1. The Board shall, after public notice and hearing, make, promulgate, and if and when necessary, amend, rules and regulations, for the appointment, transfer, laying off, reinstatement, deductions from pay, leave of absence, promotion, demotion, dismissal, and suspension, of all employees of the City in the classified service within the purview of this act, including those who may hereafter be placed in the classified service pursuant hereto, and for the classification of such employees for appointment, promotion and transfer, and shall report its proceedings and rules to the Mayor, Legislative Body, the Director of Public Welfare, the Director of Public Health, and the Director of Safety of the City.

Such rules shall, among other things, provide:

a. For the standardization and classification of all offices, positions and employment in the classified service and the classification thereof into groups and subdivisions to be based upon and created according to the respective duties and responsibilities thereof, and shall be so arranged as to promote the filling of the higher grade as far as practicable by promotion.

b. For open competitive tests to ascertain the relative fitness of all applicants for appointment to said offices, positions and places of employment in the classified service within the purview of this act, including those which may

hereafter be placed in the classified service pursuant hereto, and such tests shall be practicable and relate to matters which will fairly measure the relative fitness of candidates to discharge the duties of the positions or offices or places of employments to which they seek appointment. Notice of such tests shall be given not less than ten days in advance by public advertisement in at least one newspaper of general circulation in the City and by posting notices in the City Hall.

c. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing through examination; and for the filling of places in the classified service by the appointing authorities who shall select from not more than three candidates graded highest on the appropriate eligible list.

Each eligible list shall remain in force until exhausted, or until replaced by a more recently prepared list, but not beyond two years from the date of its establishment. The names of persons who have indicated in writing to the Director that they are unwilling to accept appointment, or request in writing that their names be dropped from the list, or who have been certified for appointment three times and not appointed, shall be dropped from the list.

If during the lifetime of a list it shall have dwindled to the point that three or fewer names remain thereon, or if for other reason, the Board deems it necessary for the good of the service, to prepare and establish a supplemental list, the Board may in its discretion do so; in such event the original list shall be combined with the supplemental list, and all names shall be placed on the combined list according to grade, without regard to priority in time of examination; provided however no name shall remain upon eligible lists for a period longer than two years, at which time it shall be dropped from the list.

The Board, by rule, may prescribe other reasons for removal of names from an eligible list and for written notice to those so removed.

In the absence of any appropriate eligible list any position or office may be filled temporarily by the appointing authority without examination for a period not to exceed ninety days, during which time the Board shall hold the necessary examination for the filling of the place regularly, but persons may be temporarily employed for emergency work without examination for the period of the emergency, in no event to exceed ninety days in any one fiscal year, such appointment to be an emergency appointment and the same shall not be renewed. No person shall be appointed or employed under any title not appropriate to the duties to be performed. No person shall be transferred to or assigned to perform any duties of any position subject to competitive tests unless he shall have been appointed to the position from which transfer is made as a result of a competitive test, equivalent to that required for the position to be filled, or appointed as otherwise herein provided under Sections 5 and 9 of this act.

Each list of eligibles, with the respective grades, shall be open to public inspection. Any person appointed from the eligible list and laid off for lack of work, or lack of appropriation, shall be placed at the head of the eligible list, and shall be eligible for reappointment for a period of eligibility as provided by the rules of the Board.

d. For a period of probation not exceeding twelve months nor less than six months, before an appointment or employment is made a regular appointment.

e. For reinstatement on the eligible list of persons who, without default or delinquency, are separated from the service.

f. For promotion from the lower grades to the higher based on records of efficiency and seniority to be furnished by the appointing authority and kept by the Board, or upon competitive promotion tests, or both.

The enumeration of the foregoing subject matter of rules and regulations is not exclusive, and the Board may make and promulgate such other reasonable rules and regulations as are necessary or desirable to the enforcement of and not inconsistent with this act.

Subsection 2. The Board may make investigations on its own initiative, or at the direction of the Mayor or Legislative Body of the City, or upon the petition of an employee in the classified service, or of any person on a list kept by the Board, concerning the enforcement or violation of or operation under this act.

In the course of any investigation under the provisions of this act, each member of the Board shall have the power to administer oaths, and the Board is authorized and empowered to subpoena and require the attendance of witnesses and the production by them of books, papers, records and other documentary evidence pertinent to such investigation. In the event that any person should fail or refuse to appear under such subpoena, or to testify, or to attend, or produce the books, papers, records, or other documentary evidence lawfully required, the Board may report to the Circuit Court or any judge thereof, such failure or refusal, and apply for a rule, and the Circuit Court, or any judge thereof, may, on such application of the Board, compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court.

Subsection 3. The Board shall perform such other functions as may relate to the efficiency of the personnel under its jurisdiction, including the maintenance of the personnel classification plan, the administration of service ratings, attendance records, training programs, promotions, transfers, lay offs, suspensions, reinstatements and related activities, and shall prepare appropriate rules for the administration thereof, but such enumeration is not exclusive of other proper functions or activities of the Board.

Subsection 4. The Board shall receive, review and correct, if necessary, and transmit promptly to the Mayor and the Legislative Body, of the City, the annual report of the Director. Such report of the Director may be supplemented by any additional comment, criticism or suggestions for the more effectual accomplishment of the purposes of this act, that the Board may care to submit.

§ 5. APPOINTMENTS. All appointments to positions subject to the provisions of this act, shall be made solely on the basis of merit and fitness, to be determined by competitive examinations, except in the case of emergency appointments which may be made only in accordance with the definition given in Section 1; provided that all original appointments, except emergency appointments as defined in Section 1 of this act, shall be probationary appointments for a period of not less than six, nor more than twelve, months, after which probationary period regular appointments shall be given to all probationary employees who are deemed to be satisfactory by the respective appointing authority.

Except in the case of emergency appointments as defined in Section 1 of this act, all appointments to positions subject to the provisions of this act shall be made by appointing authorities only from an eligible list certified by the Personnel Director as qualified and eligible for appointment from an appropriate eligible list as defined in Section 1 of this act; provided, however, that all employees holding positions subject to the provisions of this act on the effective date hereof who are holding positions in classified service under provision of previous acts, shall be considered as having satisfied hereunder all of the qualifications for obtaining and holding such appointments as they now have, and further provided that all employees holding positions subject to the provisions of this act, on the effective date hereof, and who are not holding positions in classified service under provisions of previous acts, shall be considered as having satisfied

hereunder, all of the qualifications for obtaining and holding original appointments under this act, and shall be considered as having been given probationary appointments as defined in Section 1, as of the effective date, hereof.

§ 6. THE CLASSIFIED SERVICE. The classified service covered by this act, and hereby placed under the jurisdiction of the Board, shall include all offices, positions, and places of employment, except as herein provided, in the following departments and agencies, in the service of the City, to wit: The Department of Public Safety, the Department of Public Health, the Department of Public Welfare, and the Civil Service Board; if any of such offices, positions or places of employment are transferred to or combined or consolidated with any other department or agency of or serving the City, such offices, positions or places of employment, shall continue to be covered by this Act. The classified service shall also include all other offices and positions and places of employment in other departments or agencies of the City or serving the City to which the classified service may be hereafter extended pursuant to the provision of this act, or any other act.

The following offices, positions, and places of employment, in the departments and agencies herein above specifically named, are excluded from the classified service, to wit:

(a) The Director of Safety and the following positions in that Department, to wit: Private secretary; the Chief of Policemen, Assistant Chief of Policemen, Chief of Firemen, Assistant Chief of Firemen; Superintendent and animal catchers, and caretakers, in Division of City Pound; Supervising Inspector of Weights and Measures, and Inspector of Weights and Measures, and Deputy Inspector, in Division of Weights and Measures.

(b) The Director of Health and the following positions in that Department, to wit: Private secretary, kitchen help-

ers, cleaners, waitresses, house maids, janitresses, laundresses, hospital resident medical staff, University visiting staff, student nurses, bona fide University students.

(c) The Director of Welfare and the following positions in that Department, to wit: Private secretary, janitors, cleaners, laundresses, night watchmen, truck drivers, kitchen helpers, janitresses, park laborers, bona fide University students.

(d) Members of the Civil Service Board and the Personnel Director.

Provided, however, the offices, positions, and places of employment, excluded by paragraphs (a), (b), (c), and (d) of this section from the classified service, except the offices or positions of Director of Safety, Director of Health, Director of Welfare, members of the Civil Service Board, the Chief of Policemen, the Chief of Firemen, the Assistant Chief of Policemen and the Assistant Chief of Firemen, may hereafter be placed in the classified service under and in accordance with the provisions of Section 9 of this act.

Any classified employee in the Department of Safety, who shall accept an appointment and qualify as Chief of Policemen, Assistant Chief of Policemen, Chief of Firemen, or Assistant Chief of Firemen, shall be deemed to have received a leave of absence from the classified service for and during the incumbency of any of said respective positions. Should any such Chief or Assistant Chief cease to serve as such, there shall be restored to him the same classification and rank which he held prior to said appointment.

§ 7. DISMISSALS AND DEMOTIONS. Dismissals or demotions of employees in positions subject to the provisions of this act may be made only by the appointing authority upon the filing of written statements of the reasons of such dismissals or demotions with the Board, provided that copies of all such statements shall be furnished to the employee so dismissed or demoted, on or before the effective date of such dismissal or demotion, provided further that

employees holding probationary appointments may be dismissed without the appointing authority being required to furnish either the Board or the dismissed or demoted employee with a written statement of the reasons for such dismissal or demotion. Any dismissed employee, holding a regular appointment, shall be entitled, upon written demand, to a public hearing by the Board, at which he shall have the right to introduce evidence in his own behalf, and to be represented by counsel.

The Board shall investigate and determine the justification for all dismissals or demotions reported, or complained of, according to the provisions of this section, and shall make recommendations according to its findings, approving or disapproving the dismissal or demotion so reported. If the Board disapprove any such dismissal or demotion it shall recommend the reinstatement or transfer of such dismissed or demoted employee. Copies of the recommendations of the Board shall be given to the appointing authority making the dismissal or demotion and to the dismissed or demoted employee.

The appointing authority receiving such recommendation shall have the option of either accepting or rejecting such recommendation, and the action of the appointing authority shall be final; provided that all such recommendations made by the Board shall be public records, and provided further that the Board may reinstate a dismissed or demoted employee over the action of the appointing authority only in case it reasonably appears, after a proper investigation, that the dismissal or demotion was made for religious or political reasons.

Nothing in this Act shall permit the dismissal or demotion of any employee subject to the provisions of this Act on account of religious faith or political affiliation.

§ 8. POLITICAL ACTIVITY PROHIBITED, PENALTY.

Subsection 1. Persons holding positions in the classi-

fied service shall not be discriminated against in any way because of their political or religious opinions or affiliations or because of their exercise of their right to vote as they please.

Subsection 2. No person in the classified service, and neither the Personnel Director nor any member of the Board, nor the Chief of Policemen, Assistant Chief of Policemen, Chief of Firemen, Assistant Chief of Firemen, shall directly or indirectly, give, solicit, receive, or remit, any assessment, subscription, or contribution, to or for any political party or any candidate for public office, or in any manner be concerned therewith; nor shall any such person be a member of any campaign committee or governing committee of any political organization nor an officer in either; nor shall any such person be an election officer or work at the polls on election day, or participate in the purgation or registration of voters, provided, however, nothing herein shall prevent any such person from freely expressing his or her views as a citizen or to cast his or her vote in any election.

Any such person who shall violate this section shall be summarily dismissed from the service by the appointing authority, (or if a member of the Board, by the Mayor,) and may not be employed in any service of the City, classified or unclassified, for a period of one year next thereafter; provided, however, that should the appointing authority fail or refuse to so dismiss, the Board (except when a member thereof is charged with violation of this section) shall conduct a hearing, which the accused person may attend with counsel; if the Board find the accused guilty of violation of this section, the Board shall dismiss such violator, with the consequent disqualification. Such action of the Board is final.

§ 9. EXTENSION OF ACT TO OTHER DEPARTMENTS, AGENCIES, OFFICES, POSITIONS. The board, without additional compensation, shall perform, under and pursuant to the provisions of this act, the same services and

duties provided for herein, for any department, board or agency of such City or any joint board or joint agency of such city and such county, in which said city is located, if and when by statute, or by ordinance or otherwise the personnel or part or parts thereof of such department, board or agency, or joint board or joint agency, is placed under the merit system. The provisions of this act may be extended, by city ordinance to include additional offices, positions or classes of positions, and places of employment, in the Department of Public Health, the Department of Public Welfare, the Department of Public Safety, and under the Civil Service Board, and to offices, positions or classes of positions, and places of employment, as may be desired, in any other departments or agencies of cities of the first class. And it is further provided that any independent agency of the city government may adopt the provisions of this act covering such offices, positions or classes of positions, or places of employment, in such agency, as the governing body of such agency may designate. When the provisions hereof shall have been extended by statute, city ordinance, or by action of the governing body of any independent agency, then all of the provisions of this act shall be applied to such offices, positions, and places of employment, in such departments, boards, agencies, and joint boards or joint agencies, the same as if originally included herein. The date of any extension of the provisions of this act to include additional offices, positions, or classes of positions, or places of employment, shall be considered as the effective date of this act with respect thereto, and employees then holding such offices, positions, or places of employment, thereby made subject to the provisions of this act, shall be considered as having satisfied all of the qualifications for obtaining original appointment under this act, and shall be considered as having been given probationary appointments as defined in Section 1 of this act, as of date they are thus placed in the classified service hereunder.

§ 10. PENALTIES. Any person who shall knowingly, or wittingly, or intentionally, or through gross negligence, violate any of the provisions of this act, shall be guilty of a misdemeanor, and shall upon conviction thereof be subject to a fine of not less than $50.00 nor more than $500.00, provided however that the provisions of this section shall not apply to Section 8 of this act.

§ 11. LEVY AND APPROPRIATION. The Legislative Body of each city of the first class is hereby empowered and authorized to pass such ordinances, levy such taxes and provide such appropriations, as are necessary to effectuate the purposes of this act.

§ 12. SEVERABILITY. Should any section, subsection, paragraph, sentence, clause or phrase of this act be declared unconstitutional or invalid for any reason, the remainder of this act shall not be affected thereby.

§ 13. REPEAL. When organization and operation is finally effected and established hereunder, this act repeals all acts and parts thereof inconsistent herewith and particularly does it repeal the following sections of the Kentucky Statutes as carried in the present Carroll compilation, as supplemented, to wit:

(1) K. S. 2866-1, 2866-2, 2866-3, 2866-4, 2866-5, 2866-6, 2866-7, 2866-8.

(2) K. S. 2867.

(3) K. S. 2863-1, 2863-2, 2863-3, 2863-4, 2863-5, 2863-6, 2863-7, 2863-8, 2863-9, 2863-10, 2863-11.

§ 14. BEGINNING DATE OF OPERATION. Operation under this act shall begin July 1, 1942, or as shortly thereafter as practicable.

§ 15. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 90.010 to 90.100, 90.990, 95.020 to 95.070, Subsection (1) to (5) of KRS 95.080, 95.090, and

Subsection (1) of KRS 95.990, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

S. B. No. 33. An Act authorizing any city of the first class to adopt, alter and change a plan of arterial highways and finding as a fact that land and improvements on both sides thereof will be benefited; to acquire rights-of-way therefor by condemnation or otherwise, and providing the procedure for condemnation; to construct and improve such arterial highways, establish the area benefited thereby and assess the cost of rights-of-way and improvements on a square foot basis against the property in the benefited area; providing the method for zoning benefited areas and fixing the rate in different zones according to the location of such zones; defining the items of cost included in the improvement of arterial highways; providing for a lien in favor of said city against the property covered by the assessments, and the method of collection, administration and expenditure of the funds thereby raised; providing the procedure for ordering such improvement; providing that the State of Kentucky shall pay assessments against state owned property; providing for spoliation to be paid by said city where the assessment exceeds seventy-five per cent (75%) of the value of the property assessed; authorizing acceptance of State or Federal aid on such improvement; and repealing Sections 2839b-5, 2839b-6, 2839b-7, 2839b-8, 2839b-9, 2839b-10, 1839b-11, 2839b-12, 2839b-13, 2839b-14, 2839b-15, 2839b-16, 2839b-17, 2839b-18, 2839b-19, 2839b-20, 2839b-21, 2839b-22, 2839b-23, 2839b-24, 2839b-25, 2839b-26, 2839b-27, 2839b-28, 2839b-29, 2839b-30, 2839b-31, 2839b-32, 2839b-33, 2839b-34, and 2839b-35, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The legislative body of any city of the first class in this Commonwealth may, as traffic conditions and the

public convenience, safety and welfare demand, establish and adopt a plan of arterial highways designating the extent and width thereof, and may alter and change the same as conditions may warrant, and may widen, alter or extend any existing highways and streets, designated by the legislative body as arterial highways, and at any time or times may acquire any and all necessary rights-of-way for such arterial highways or for the widening, altering or extending existing highways or streets designated as arterial highways; and may construct, reconstruct, repair or improve the same, or any part or parts thereof, including intersections, curbing, sidewalks, sewers and drains, utility services and lines, at the exclusive cost of the owners of lots in the area benefited by the said improvement, to be determined as hereinafter provided, all of which shall be done in accordance with the then existing planning and zoning laws and ordinances governing said city.

§ 2. The improvement costs of arterial highways as herein contemplated shall include not only the cost of land and property acquired by purchase or condemnation, but shall include the costs of construction or reconstruction of the street or streets, sidewalks, gutters, drainage structures, bridges, sewers and drains, utility services and lines, intersections, curbing and every expense whatsoever connected therewith, including all costs of any actions in court necessitated thereby, preliminary surveys, drawings, engineering services, plans and specifications, and advertising costs, all of which costs shall be assessed against the benefited area as herein provided.

§ 3. The General Assembly of this Commonwealth now finds as a fact that land and any improvements thereon located within the territory on both sides of an arterial highway, half-way back to the next arterial highway, will be benefited by the improvement of such highway as an arterial highway as herein contemplated, and that in any location where there is no arterial highway located or provided be-

tween the one to be improved and the city boundary line, all of the property between the arterial highway to be improved and the city boundary line will be benefited by the contemplated improvement, provided the area on that side of said arterial highway does not exceed in depth the distance of the benefited area on the opposite side, and in providing for the assessment of the tax for the cost of the improvement as hereinafter provided, the legislative body of the city shall fix the benefited area accordingly, or in any other equitable manner which it may prescribe by ordinance. However, said legislative body or the courts may make all necessary corrections with respect thereto, to do justice to all parties concerned.

§ 4. For the purpose of providing the necessary funds for the acquisition of rights-of-way by purchase or by condemnation, and for the improvement of any arterial highway or any part or section thereof, as herein provided and contemplated, the Director of Works of said city shall prepare a map or maps showing the location of the particular arterial highway proposed to be improved, the extent and width thereof, the rights-of-way to be acquired, the estimated cost thereof, detailed plans, specifications and working drawings for said improvement and the estimated cost thereof, the total estimated cost of the entire project as contemplated, a map or maps showing the location of all property benefited as herein provided and the estimated cost per square foot to the lots to be assessed therefor, together with the names and addresses, if known, of all owners of property within the benefited area, and with such further recommendations, information and data as said Director of Works may care to furnish the legislative body, or that said legislative body may request him to furnish.

If the legislative body shall find that the cost of the improvement does not exceed the benefits to the area to be assessed, it shall by ordinance establish said benefited area

and assessment district as provided by this act but shall however, divide the assessment area, on each side of the arterial highway being improved into four assessment zones, the zones contiguous to the arterial highway or zone one (1) being restricted to a depth of two hundred (200) feet and the remaining portions of the assessment areas shall be divided into three parts each by zone limit lines drawn at one third (1/3) and two thirds (2/3) of the depth of the remaining portions of the assessment areas after the deduction of the zone one (1) areas, which additional zones shall be designated zones two (2), zones three (3) and zones four (4), and shall levy an assessment tax against the owners of all of the lots of ground in each of the benefited areas or zones, according to the number of square feet owned by each of them, respectively, to cover the estimated total cost of the improvement. Said tax to be equally apportioned against the owners of said lots in the respective zones, except that the square foot assessment tax of the lots in zone two (2) shall be twenty-five (25) per cent less than the square foot assessment tax of the lots in zones one (1), the square foot assessment tax of the lots in zones three (3) shall be fifty (50) per cent less than the square foot assessment tax of lots in zones one (1) and the square foot assessment tax of the lots in zones four (4) shall be seventy-five (75) per cent less than the square foot assessment tax of the lots in zones one (1).

After the introduction of said ordinance and its first reading by the legislative body, it shall cause notice to be published in a newspaper having the largest circulation in said city, once a week for four consecutive weeks, of the pendency of said ordinance before said legislative body, which notice shall include a brief statement of the boundaries of the benefited area and zones thereof and therein to be assessed, the amount per square foot of the proposed assessment tax for each zone, and such other informative matter as it deems desirable.

A lien shall exist in favor of said city securing it in the payment of said assessments, which lien shall bear six per cent interest until paid from the date of the assessment, provided, however, any property owner shall have sixty (60) days from the date of the assessment within which to pay said entire assessment without interest. Any property owner may, however, at any time during said sixty-day period, elect to pay the assessment one-fourth (1/4) in cash and the balance in equal installments, payable in six, nine and twelve months after the date of the assessment but with six (6) per cent interest on the deferred payments from the date of the assessment, provided he in writing agrees that in consideration of such privilege he will make no objection to any illegality or irregularity in the assessment, levy or imposition of said taxes against his property and that he will pay the same in the manner herein provided. Any property owner who exercises the option to pay in installments shall waive any defense against the payment of said taxes. Said agreements shall be filed in the office of the Director of Finance. Default in the payment of any installment and interest for a period of fifteen days after becoming due shall render the unpaid installments and interest immediately due and payable and there shall immediately be added thereto a penalty of ten (10) per cent of the unpaid assessment balance and accrued interest which shall likewise constitute a lien upon the property assessed, and become a part of the funds being received to make the improvement. Said assessment taxes may be included upon the regular tax bills of said city against the property assessed, and collected as regular taxes are collected, or may be collected by the Director of Finance as ordinary street improvement assessments and liens are collected.

Said funds as collected shall be kept in a separate account for each project and upon separate records by the Director of Finance of said city, and he shall be liable upon his bond as Director of Finance for the safe-keeping and proper expendi-

ture of said funds. Said funds shall be used solely for the purposes herein provided and for the improvement of the arterial highway or sections thereof for which levied; provided, however, that if there should remain a surplus in said funds, the same may be used by the city for future repairs to said arterial highway, or sections thereof.

Should the funds raised by said assessment be insufficient to complete the improvement of the highway or sections thereof, the legislative body may levy additional improvement taxes therefor in the same manner as herein provided.

§ 5. Said city may acquire all rights-of-way necessary to carry out the provisions of this act, by gift, purchase or condemnation. All proceedings for the acquisition of rights-of-way by condemnation shall be had in the manner similar to that provided by law for condemnation of land for park purposes in any city of the first class; provided, however, said city shall have one hundred and twenty (120) days in which to make compensation and payment of the amount of money named in the verdict and judgment, including the costs taxed in the proceedings.

§ 6. The acquisition of rights-of-way by condemnation and the improvement of the several arterial highways, or any of them, or parts or sections of them, shall be ordered by ordinance of the legislative body adopted and passed in the same manner as now provided by the charter of cities of the first class for the original construction of ordinary streets. The improvement shall be let and done by contract in the manner now provided for the improvement of ordinary highways and streets.

§ 7. The provisions of Section 2833a of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, with reference to the payment of assessments against real estate within the benefited area owned by the State of Kentucky or held in trust for the public use of the State, shall apply with respect to assessments for the improvement of arterial highways.

§ 8. Whenever, in any action or proceeding to enforce the payment of the assessment tax lien, it shall be pleaded by the owner of any property and the court shall find that the amount apportioned against the property is greater than seventy-five per cent (75%) of its value, the court shall determine what is seventy-five per cent (75%) of such value and adjudge a lien for that amount and interest, and the city shall pay the balance of the amount so apportioned out of the fund for general purposes.

§ 9. This Act shall in no way be construed as repealing any of the statutes or charter provisions of first class cities with respect to ordinary public way improvement.

§ 10. The provisions of this Act shall not in any way be construed as any restriction upon said city making the usual and customary repairs, including curbing replacements and sidewalk construction in any of the public ways designated as arterial highways before the actual construction and reconstruction of said public ways as arterial highways under the provisions of this Act, and the making of such necessary and ordinary repairs and curbing replacements and sidewalk construction or reconstruction, including the original construction of any public ways in the manner heretofore provided for by the charter of said cities, shall not in any way be construed as an abandonment of such public way as an arterial highway or operate as an estoppel against the city from later constructing or reconstructing the same as an arterial highway according to the provisions of this Act.

§ 11. Ordinary repairs, curbing replacements, sidewalk repairs, construction and reconstruction within a public way once constructed hereunder as an arterial highway, shall be made in accordance with the general charter provisions of first class cities for such work.

§ 12. The city may accept State or Federal aid on any improvement made under this Act.

§ 13. If any section or any provision of this Act shall be held unconstitutional, it shall not affect the validity of this Act as a whole or any other section or provision hereof.

§ 14. Sections 2839b-5, 2839b-6, 2839b-7, 2839b-8, 2839b-9, 2839b-10, 2839b-11, 2839b-12, 2839b-13, 2839b-14, 2839b-15, 2839b-16, 2839b-17, 2839b-18, 2839b-19, 2839b-20, 2839b-21, 2839b-22, 2839b-23, 2839b-24, 2839b-25, 2839b-26, 2839b-27, 2839b-28, 2839b-29, 2839b-30, 2839b-31, 2839b-32, 2839b-33, 2839b-34, and 2839b-35 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, the short title of which is "Major Street Improvement Act", are hereby repealed.

§ 15. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly this Act shall be treated as repealing KRS 93.610 to 93.870, regardless of the date of enactment or taking effect of the Kentucky Revised Statues, but shall not be treated as affecting in any way KRS 93.010; the number "KRS 93.440" shall be substituted for the words and figures "section 2833a of Carroll's Kentucky Statutes, Baldwin's 1936 Revision" in section (7) of this Act.

S. B. No. 34. An Act relating to and amending the charter of cities of the first class, being Chapter 89-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision; amending, revising and re-enacting section 2802 thereof, relating to the executive departments in such cities, and establishing an executive department of public parks and recreation; repealing and re-enacting section 2840 thereof relating to public parks and the board of park commissioners in such cities; repealing and re-enacting section 2852 thereof relating to condemnation for park purposes; abolishing said board of park commissioners and transferring the functions, powers, rights, duties, liabilities, properties as defined herein, including but not limited to airports and aviation fields, and personnel, of said board to such city, and assigning same to certain executive departments of said city; and defining the rights, powers and

duties of said departments with reference thereto; defining the rights and powers of said city with reference to said property and exempting said property from taxation; providing for the administration and disposition of funds in the hands of board and of monies hereafter to be collected for park purposes; providing for the organization and administration of the department of public parks and recreation, defining the rights, powers and duties of said department and the director thereof, and making the provisions of any law or laws governing any board or commission of such city empowered to enforce civil service or merit system laws, rules or regulations in such city, applicable to certain personnel of such department; transferring special park police from the board of park commissioners of such city to the division of police of the department of public safety of such city and defining the powers of such division of police with reference to public park property; transferring the functions, powers, duties and personnel of the division of recreation of the department of public welfare of such city to the department of public parks and recreation; authorizing such city to condemn property for park, playground and community center purposes and providing the procedure therefor; repealing all laws or parts of laws in conflict with this act, and in particular sections 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2859a-1, 2859a-2, 2859a-3, 2859a-4, 2859a-5, 2859a-6, and 2859a-7 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision; repealing an act entitled "An Act to repeal, amend and re-enact section 2850 of the Kentucky Statutes, Baldwin's 1936 Revision", being Chapter 84 of the 1938 Acts of the General Assembly of the Commonwealth of Kentucky; repealing an act entitled, "An Act to repeal, amend and re-enact section 2857, Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to special park police for parks, boulevards and parkways of cities of the first class", being Chapter 142

of the 1940 Acts of the General Assembly of the Commonwealth of Kentucky; and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2802 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be and the same is hereby amended, revised and re-enacted so that said section, when so amended, revised and re-enacted, will read as follows:

There shall be the following executive departments in the cities of the first class:

(a) A department of public works, a department of public safety, a department of public finance, a department of public welfare, a department of public parks and recreation, and a department of law. Each of said departments shall have the powers provided for in and be governed by the general provisions of Article V of Chapter 89-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, and shall be under the supervision and direction of a director who shall be appointed by the mayor immediately or as soon thereafter as possible, and the said directors of departments so appointed shall be removable at any time at the pleasure of the mayor so appointing them, or of any of his successors in office but not by any officer who may merely for the time be filling the office of mayor in the absence or during the temporary disability of the regularly elected or appointed mayor. The directors of said departments shall have the same qualifications as members of the legislative body of said city and shall be selected for their special fitness for the work of the said departments, and shall give and devote their entire time to the discharge of their duties and shall receive adequate compensation to be fixed by ordinance. No member or officer of the legislative body shall be eligible to appointment as director of any department. The said directors shall hold office until

they resign or are removed as herein provided. All the powers and obligations and duties vested in the present board of public works and board of public safety, not inconsistent with the provisions of this act, together with all rights of action, shall immediately vest in the respective departments hereby created and the directors thereof appointed by virtue of this act in succession to said boards.

(b) All functions, powers and duties vested in any city of the first class with reference to all matters affecting the health of the community in such city, shall be exercised and performed in such manner as shall be provided by Act of the General Assembly of the Commonwealth of Kentucky, or by ordinance of the legislative body of such city.

§ 2. That section 2840 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be and the same is hereby repealed and re-enacted so that said section when so re-enacted will read as follows:

(a) The department of public parks and recreation of any city of the first class shall, from and after the effective date of this act, be vested with and exercise all of the powers and perform all of the functions and duties of any then existing board of park commissioners of such city, except as may be otherwise provided by law or by this act. From and after said date any such board of park commissioners of such city shall cease to exist. The agents and employees of said department of public parks and recreation, except as provided herein, shall be employed and governed in accordance with the merit system, as provided by any law or laws, or amendments thereof, and any rules and regulations issued pursuant thereto, authorizing, creating and governing any city board or commission empowered to administer and enforce civil service laws, rules and regulations in and for such city.

(b) The department of public parks and recreation of any city of the first class shall be under the supervision and direction of a director to be designated director of parks

and recreation, and shall have exclusive direction, supervision and control of all park property, as herein defined, except as otherwise provided by laws or by this act or by ordinance of the legislative body of said city; and shall provide for and supervise all public amusements and recreation in parks, playgrounds, and community centers. The director of said department shall have power to adopt rules and regulations for the reasonable and proper use, management and control of public park, playground and community center property, and may organize the said department for administrative purposes into such divisions as may be necessary for the proper conduct of the business of said department, and appoint heads or chiefs of such divisions, who, under the supervision and control of said director, shall have the direction of such divisions.

(c) The term park property includes all parks, squares and areas of land owned or used by said city for park purposes, and all buildings, structures, improvements, seats, benches, fountains, walks, drives, roads, trees, plants, herbage, flowers, and other things thereon, and inclosures of the same; all shade trees on streets or thoroughfares throughout park property and said city; all resting places, watering stations, playgrounds, parade grounds, community centers, or the like; all connecting parkways and roads or drives between parks, and all avenues, roads, ways, drives, walks, with all trees, shrubbery, vines, flowers and ornaments of any description thereon, acquired for park purposes; and all birds, animals or curiosities, or objects of interest or instruction placed in or on any of such inclosures, ways, parkways, roads or places; and said term shall be liberally construed.

(d) The title to all property with all improvements and equipment acquired for park, airport or aviation field purposes, owned by the board of park commissioners of a city of the first class at the time this act becomes effective, is hereby transferred to the city subject to any existing leases thereof, and shall be held by the city in strict and inviolable trust for

such public purposes, free from all taxation, imposts or assessments by state, county, district, municipal, or other governmental subdivision; provided, however, that the city may use any portion of such property as may be necessary and proper for the construction, extension, or widening of streets, boulevards, thoroughfares or other public ways, and, may enter into contracts or agreements, with reference to properties acquired for airport or aviation field purposes, for the use of such field and airport for aviation purposes with the United States Government or any agency thereof, or any state government, or any agency thereof, or any board of aviation established under any act of the General Assembly of this Commonwealth, or of any other Commonwealth or State, or any individual, firm or corporation; provided, however, it shall at no time and in no way enter into any contract or agreement that prevents its carrying out the main purpose of the establishment and maintenance of a public municipal aviation field and airport, for the general use of the citizens of said city as a park purpose.

(e) Such park property as consists of all connecting parkways and roads or drives between public parks, and all avenues, roads, ways, drives, walks, outside of the boundaries of public parks, which were or are acquired for park purposes, from and after the effective date of this act, shall be under the direction, control, maintenance and management of the department of public works of said city.

(f) Upon the effective date of this act the employees of any then existing board of park commissioners in any city of the first class, except the special park police, shall be transferred to, employed by and continued in the service of the department of public parks and recreation. Said employees, except as herein provided, shall then and thereafter be subject to any law or laws, or amendments thereof, or any rules and regulations issued pursuant thereto, governing any city board or commission empowered to administer and enforce civil service laws, rules and regulations in and for such city,

it being the intent and purpose of this act to make such laws, rules and regulations applicable to such offices, positions and places of employment in the department of public parks and recreation. Provided, however, such employees as are hereby made subject to said law or laws, when so transferred to said department of public parks and recreation, shall be considered as having satisfied all of the qualifications for obtaining original appointments under such law or laws, and shall be considered as having been given probationary appointments, as defined in such law or laws, as of the date they are so placed in the classified service thereunder.

The following offices, positions, and places of employment in the department of public parks and recreation, to wit: Director of Parks and Recreation, private secretary to said Director, golf professionals, golf greensmen, checkers, counter men, locker attendants, caretakers, janitors, janitresses, laundresses, cleaners, tractor and truck drivers, teamsters and stablemen, and laborers, are hereby specifically excepted from the provisions of the aforesaid civil service law or laws, rules and regulations. Provided, however, the foregoing excepted offices, positions, and places of employment, except the office of Director, may hereafter be placed in the classified service, under said law or laws, by the legislative body of said city by ordinance.

(g) Upon the effective date of this act all special park police in the employ of any then existing Board of Park Commissioners, in any city of the first class, shall be transferred to, employed by and continued in the service of the division of police of the department of public safety of such city. Said special park police shall then and thereafter be subject to any law or laws, or amendments thereof, or any rules or regulations issued pursuant thereto, governing any city board or commission empowered to administer and enforce civil service laws, rules and regulations in and with respect to said Department of Safety. Provided, however, said special park

police when so transferred shall be considered as having satisfied all of the qualifications for obtaining original appointment under such law or laws, and shall be considered as having been given probationary appointments, as defined in such law or laws, as of the date they are so placed in the classified service thereunder.

Officers and members of the division of police of the Department of Public Safety of said city, shall have the power to make arrests in any parks or any park property or upon any parkways or park boulevards under the control of any city of the first class, within the boundaries of said city; or in any place within the county wherein such city is located outside the boundaries of said city, if the offense or violation for which such arrest is being made was committed upon park property, parkways, park boulevards, or property under the control of said city; and any and all persons so arrested or taken into custody by members of said division of police shall be tried in courts having jurisdiction over the place where the offense for which such arrest was made was committed.

(h) All employees of the division of recreation of the department of public welfare, on the effective date of this act, shall be transferred to, employed by and continued in the service of the Director of public parks and recreation. Any and all employees so transferred who, at said time, are in the classified service of said recreation division of said department of public welfare shall be continued in the classified service of the department of public parks and recreation, and shall be given and have in the classified service of said department the same status they had in the classified service of the department of public welfare. And all classified positions and all eligible lists pertaining to said division of recreation of said department of public welfare shall likewise be transferred by any civil service board or commission in said city governing said department and made applicable to offices, positions and places of employment in the department of public parks and recreation.

(i) Whenever property shall be needed by any city of the first class for any park, playground, or community center purpose contemplated in this act, either within or beyond the boundaries of such city, in the county in which such city is located, the Director of parks and recreation may, with the consent of the legislative body of such city, order the condemnation of such property in the manner provided in § 3 of this Act.

(j) Upon the effective date of this act, the Board of Park Commissioners in such city shall transfer and pay over all monies in the possession of said board to the Director of Finance of said city, which monies shall be carried on his books and used for the purposes for which they are levied. All taxes collected after the effective date of this act, which were levied for park purposes, shall likewise be carried on the books of the Director of Finance of said city and used for such purposes. Such part of said tax monies as has been allocated by said Board of Park Commissioners for the maintenance of park police shall be disbursed by the Director of Finance in accordance with the certification of the Director of the Department of Public Safety. All monies that have been allocated by said Board of Park Commissioners for the maintenance of parkways and park roads, both within and without the boundaries of public parks in said city and under the jurisdiction of said board, to the extent that said parkways and park roads are transferred to and taken over by the department of public works, shall be disbursed by the Director of Finance in accordance with the certification of the Director of the Department of Public Works. The balance of said tax monies shall be disbursed by the Director of Finance in accordance with the certification of the Director of the Department of Public Parks and Recreation. Such part of the monies appropriated by the legislative body of such city for the division of recreation of the department of public welfare for the fiscal year ending August 31, 1942, as

has not been expended at the time this act becomes effective shall be disbursed for recreational purposes by the Director of Finance in accordance with the certification of the Director of the department of public parks and recreation.

Section 3. Section 2852 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, is repealed and re-enacted to read as follows:

Proceedings for condemnation by the Director of Parks and Recreation of cities of the first class as authorized by subsection (i) of section 2 of this Act shall be in the Circuit Court, conducted in the name of the city by the Director of Law of such city, and shall be commenced by petition and summons, and carried on in a manner similar to actions at law, except that in proceedings against non-resident, absent and unknown defendants the city shall not be required to post bond as provided under section 410 of the Civil Code. In any such actions the owners of distinct parts of any one general tract sought to be condemned may be included in one proceeding, or any one or more of such owners holding contiguous properties may be proceeded against in a separate action. Trial of such actions shall be by a jury summoned under order of court and consisting of twelve freeholders of such city or county, who shall be sworn to ascertain and determine fairly and impartially by their verdict the amount of compensation each and every owner shall be entitled to receive for his or her land or property described in the petition and sought to be condemned. The city shall have the burden of proving the value of the property to be condemned; and in assessing damages to the owner of the property it shall be competent for the jury to consider the benefits and advantages, if any, that to such owner will result from the proposed improvements, and to set off the same against such damages as the owner may have other than the value of the property actually condemned and taken by the city. Non-residents, absent defendants, or unknown owners of property, shall be proceeded

against by warning order as in other civil actions. Any condemnation proceeding shall have precedence on the docket of the court and may be assigned for trial as soon as the parties are before the court. Upon return of the verdict of the jury, the court shall enter judgment vesting in such city the title to the property described and condemned, the said judgment to take effect upon the payment into the court by said city of the amount of money named in the verdict, and all taxed cost of the proceedings, and said city shall have sixty days within which to make said compensation and payment; provided, however, if payment be not made within such time, the said condemnation shall be deemed and treated as abandoned, and the verdict and judgment set aside, and the proceedings dismissed at the cost of said city, but without prejudice to any subsequent proceedings. No proceedings now pending and undetermined for the condemnation of property for park purposes shall be affected by this act, but the same shall be governed by existing laws.

Section 4. That sections 2841, 2842, 2843, 2844, 2845, 2846, 2847, 2848, 2849, 2850, 2851, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2859a-1, 2859a-2, 2859a-3, 2859a-4, 2859a-5, 2859a-6, and 2859a-7 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, and 2852 of the 1903 edition of Carroll's Statutes be and the same are hereby repealed.

That an act entitled "An Act to repeal, amend and reenact section 2850 of the Kentucky Statutes, Baldwin's 1936 Revision," being Chapter 84 of the 1938 Acts of the General Assembly of the Commonwealth of Kentucky, be and the same is hereby repealed.

That an act entitled "An Act to repeal, amend and reenact section 2857, Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to special park police for parks, boulevards and parkways of cities of the first class," being Chapter 142 of the 1940 Acts of the General Assembly of the

Commonwealth of Kentucky, be and the same is hereby repealed.

Section 5. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly:

(a) Section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 83.160 and shall thereafter be treated as an amendment to KRS 83.160 rather than an amendment to § 2802 of Carroll's Statutes, and the numbers "KRS 83.180, 83.190, 83.200, 83.210, 83.220, 83.240, 83.250, 83.260, 83.280, 83.290, 83.300, 91.120, 91.280, 91.300, 93.030 and 61.250" shall be substituted for the words and figures "Article V of Chapter 89-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision", in section one of this Act.

(b) Section 2 of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 97.250 and shall thereafter be treated as an amendment to KRS 97.250 rather than an amendment to § 2840 of Carroll's Statutes.

(c) Section 3 of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 416.120 and shall thereafter be treated as an amendment to KRS 416.120 rather than an amendment to § 2852 of Carroll's Statutes.

(d) This Act shall be treated as repealing KRS 97.250 to 97.390 inclusive and 183.230 to 183.290, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

Section 6. An emergency is hereby declared to exist and this act shall become effective upon its passage and approval by the Governor.

S. B. 50. An Act authorizing cities of the first class to provide for off-street parking facilities and for the operation and regulation of such facilities; to acquire and hold property

for such purpose by purchase, condemnation, or otherwise; to issue revenue bonds on any such property; to establish and fix the fees for the use of such parking facilities; and provide for the disposition of revenues.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. It is hereby declared that the free circulation of traffic of all kinds through the streets of any city of the first class is necessary to the health, safety, and general welfare of the public; that in recent years the greatly increased use by the public of motor vehicles of all kinds and the parking of such vehicles in the streets of such city has created such traffic congestion as to constitute a public nuisance; that such parking prevents the free circulation of traffic in, through, and from such city, impedes the rapid and effective fighting of fires and disposition of police in such city, threatens irreparable loss in values of city property which can no longer be readily reached by vehicular traffic, and endangers the health, safety, and welfare of the general public; that this parking nuisance is not capable of being adequately abated except by provisions of sufficient off-street parking facilities, conveniently located in commercial and residential districts of such city; that adequate off-street parking facilities have not been provided by private capital, and the private parking spaces now existing must be supplemented by off-street parking facilities provided by public action or undertaking; and that the provisions of this act are hereby declared to be a public necessity.

Section 2. Any city of the first class shall have and may exercise all powers necessary or convenient to carry out the purpose of this act, which is hereby declared to be the acquisition, creation, and operation in any manner hereinafter provided, under public regulation, of public off-street

parking facilities in any such city as a necessary incident to insuring in the public interest the free circulation of traffic in, through and from such city. Such powers shall include, but shall not be limited to, the powers enumerated in the following paragraphs (a) to (i) inclusive:

(a) The power to purchase, in the manner prescribed in Section 2823 of the Kentucky Statutes, Baldwin's 1936 Revision, and acquire by gift, bequest, devise or grant, real property, or any interest therein, in any area of any such city in which the Director of Works in such city, subject to the approval of the Mayor, shall have made a determination that public parking facilities are therein required, and to hold, use, and dispose of same in the manner prescribed by law.

(b) The power to condemn, in the manner prescribed in Section 2831 of Kentucky Statutes, Baldwin's 1936 Revision real property, or any interest therein, in any area of any such city in which the Director of Works in such city, subject to the approval of the Mayor, shall have made a determination that public parking facilities are therein required, and hold, use, or dispose of same in the manner provided by law.

(c) The power to clear and improve, in the manner provided by law, any property acquired under this act, and to construct or cause to be constructed thereon such structures suitable for parking facilities, as the Director of Works, subject to the approval of the Mayor, shall have determined to be necessary.

(d) The power to maintain and operate for parking, by the public, of vehicles, any property, or interest in property acquired under this act.

(e) The power to contract with any corporation, firm, individual, or association, private or public, subject to the provisions of this act, for the operation as a public parking facility of any property, or interest in property, acquired under this act, for such period not exceeding three years, as

the Director of Works, subject to the approval of the Mayor, shall determine.

(f) The power to lease to any corporation, firm, individual, or association, private or public, subject to the provisions of this act, for the operation thereof as a public parking facility any property, or interest in property, acquired under this act, for such period not exceeding three years, as the Director of Works, subject to the approval of the Mayor, shall determine.

(g) The power to sell, exchange, transfer, or assign, any property, real or personal, or any interest therein, acquired under this act, whether or not improved, and which the Director of Works, subject to the approval of the Mayor, shall have determined to be no longer necessary or required for the proper achievement of the purpose of this act.

(h) The power to establish and revise from time to time, schedules of rates to be charged for the use of such public parking facilities operated under this act, and to establish, extend, revise, and rescind regulations in regard to the use, operation, and occupancy of any property or interest therein acquired under this act, to the end that the maintenance, operation, use, and charge for the use of all such property shall be subject to public regulation. The Director of Works, subject to the provisions of this act and subject to the approval of the Mayor, shall establish, extend, revise and rescind such schedules and regulations.

(i) The power to engage in or contract for the construction, reconstruction, alteration, repair, and maintenance of any public parking facilities operated or to be operated under this act, as the Director of Works, subject to the approval of the Mayor, shall determine.

Section 3. Any contract or lease made under the provisions of this act shall contain a provision for, and be subject to, termination at the option of such city acting by or

through the Director of Works of such city, subject to the approval of the Mayor.

Section 4. The rates or fees to be charged for the use of such public parking facilities shall be fixed at the lowest possible rates consistent with achieving the purpose of this act, which will defray the cost of maintaining, operating, and administering said parking facilities, and of meeting the charges for principal of and interest on any indebtedness incurred under this act. The rates charged shall make no discrimination among the members of the public seeking to use the said parking facilities, and any differential in the rates charged shall be based upon differences in location, space, use, or other reasonable differences and shall apply equally to all persons using the facilities.

Section 5. Any city of the first class is hereby authorized to provide funds for carrying out the purposes of this act, by the issuance and sale of revenue bonds as hereinafter set forth.

Such bonds shall not constitute an obligation of such city, but shall be secured only by the property or properties acquired under this act and the revenue derived therefrom, and such bonds and the interest charged thereon shall be payable only out of said properties and the revenue derived therefrom in carrying out the provisions of this act.

Such bonds shall be designated on their face, "Public Off-Street Parking Facility Bonds". It shall be plainly stated on the face of each bond that it has been issued under the provisions of this act and that it does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations, or at all.

Such bonds shall be authorized by ordinance of the legislative body of such city. The bonds shall be serial bonds and shall mature serially in not more than twenty-five (25) years.

Such bonds may be issued from time to time in such amounts, with such maturities, upon such terms and conditions as the Director of Works, subject to the approval of the Mayor, may deem necessary.

Such city of the first class shall provide the form of such bonds, including coupons to be attached thereto to evidence interest payment. The bonds shall be signed by the Director of Works and countersigned by the Director of Finance, who shall not be personally liable thereon. The coupons shall bear the facsimile signature of the Director of Finance and such city shall fix the denomination or denominations of such bonds and the place or places of payment of the principal and interest thereof.

Such bonds shall be exempt from taxation by the Commonwealth of Kentucky and by the municipalities and political subdivisions thereof.

Such bonds may be sold in such manner as such city may determine to be for the best interest of the city; provided, however, such bonds shall be sold at not less than par and accrued interest.

Such bonds may be issued without a vote of the voters and without any other proceedings or happenings or any other conditions or things than those proceedings, conditions, and things which are specified and required by this act.

Any issue of such bonds or any part of such issue shall be made callable, on any interest date, upon ninety days (90) notice by the Director of Works, subject to the approval of the Mayor. When only a part of an issue is called the bonds to be called shall be selected by lot from the whole number of such bonds then outstanding.

Bonds issued pursuant to this act shall have and are hereby declared to have, in the hands of a bona fide holder, all of the qualities of negotiable instruments under the law of merchant, or the negotiable instrument act of the Commonwealth of Kentucky.

Section 6. The revenues derived by such city under the provisions of this act shall be applied as follows: first, to pay the interest and principal of the bonds issued hereunder as said payments respectively fall due; second, to pay the cost of maintaining, repairing, improving, and operating the project or projects; and third, to create such a reserve for depreciation as the Director of Works, subject to the approval of the Mayor, may deem necessary and proper. The excess, if any, of revenues received during any annual period shall be applied to the prepayment of the bonds issued pursuant to the provisions of this act. Upon the payment of all of the bonds issued hereunder, the excess revenues, if any, derived from the operation of such public off-street parking facilities may be used for street construction, street reconstruction, or traffic administration.

Section 7. Such city shall have the power to accept state and federal aid in carrying out the provisions of this act and enter into any lawful agreement with the state or federal government, or any agency thereof, in regard thereto.

Section 8. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the number KRS 83.300 shall be substituted for the words and figures "section 2823 of the Kentucky Statutes, Baldwin's 1936 Revision" in paragraph (a) of section two of this Act, and the number KRS 93.100 shall be substituted for the words and figures "section 2831 of the Kentucky Statutes, Baldwin's 1936 Revision" in paragraph (b) of section two of this Act.

S. B. 51. An Act to provide for the creation of "Redevelopment Corporations" for the purpose of clearing, replanning, rehabilitating and reconstructing substandard, insanitary, slum and blighted areas in cities of the first class: defining the rights, powers and duties of such "Redevelopment Corporations" to effectuate the purposes of the act; prescribing rules, regulations and procedure; providing for

regulation, supervision and control of such corporations by certain public agencies and officials; making the bonds, notes, certificates and other forms of indebtedness of such corporations legal investments; authorizing cities of the first class to sell and convey property to such corporations; authorizing cities of the first class to condemn property for, and otherwise aid and assist in, such clearing, replanning, rehabilitating and reconstructing; providing a method by which other corporations may bring themselves within purview hereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. LEGISLATIVE FINDING, POLICY OF STATE, AND PURPOSE OF ACT. It is hereby declared that in cities of the first class substandard and insanitary areas exist which have resulted from inadequate planning, excessive land coverage, lack of proper light, air, and open space, defective design and arrangement of buildings, lack of proper sanitary facilities, and the existence of buildings, which, by reason of age, obsolescence, inadequate or outmoded design, or physical deterioration, have become economic or social liabilities, or both; that such conditions are prevalent in areas where substandard, insanitary, outworn or outmoded industrial, commercial or residential buildings prevail, and are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, crime and poverty; that such conditions impair the economic value of large areas, infecting them with economic blight and that such areas are characterized by depreciated values, impaired investments, and reduced capacity to pay taxes; that such conditions are chiefly in areas which are so subdivided into small parcels in divided ownerships and frequently with defective titles, that their assembly for purposes of clearance, replanning, rehabilitation and reconstruction is difficult and costly;

that the existence of such conditions and the failure to clear, replan, rehabilitate or reconstruct these areas result in a loss of population by the areas and further deterioration, accompanied by added costs to the communities for creation of new public facilities and services elsewhere; that it is difficult and uneconomic for individual owners independently to undertake to remedy such conditions; that it is desirable to encourage owners of property or holders of claims thereon in such areas to join together, with or without other persons, or other persons to join together, in corporate groups, for the purpose of the clearance, replanning, rehabilitation and reconstruction of such areas by joint action; that it is necessary to create, with proper safeguards, inducements and opportunities for the employment of private investment and equity capital in the clearance, replanning, rehabilitation and reconstruction of such areas; that such conditions require the employment of such capital on an investment rather than a speculative basis, allowing, however, the widest latitude in the amortization of any indebtedness created thereby; that such conditions further require the acquisition at fair prices of adequate areas, the gradual clearance of such areas through demolition of existing obsolete, inadequate, unsafe and insanitary buildings and the redevelopment of such areas under proper supervision with appropriate planning, land use and construction policies; that the clearance, replanning, rehabilitation and reconstruction of such areas on a large scale basis are necessary for the public welfare; that the clearance, replanning, reconstruction and rehabilitation of such areas are public uses and purposes for which private property may be acquired; that such substandard and insanitary areas constitute a menace to the health, safety, morals, welfare and reasonable comfort of the citizens of such cities and the state; that such conditions require the creation of the agencies, instrumentalities and corporations hereinafter described, for the purpose of attaining the ends herein recited; that the protection and promotion of the health,

safety, morals, welfare and reasonable comfort of the citizens of such cities and the state are matters of public concern; and the necessity in the public interest for the provisions hereinafter enacted is hereby declared as a matter of legislative determination.

SECTION 2. DEFINITIONS. The following terms, whenever used or referred to in this act, shall, unless a different intent clearly appears from the context, be construed as follows:

The term "area" shall mean a portion of a city which a planning commission has found or shall find to be substandard or insanitary, so that the clearance, replanning, rehabilitation or reconstruction thereof is necessary or advisable to effectuate the public purposes declared in Section 1 of this act. An area may include any buildings or improvements not in themselves substandard or insanitary, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part.

The term "city" shall mean and be deemed to relate to any city of the first class in the Commonwealth of Kentucky.

The term "development" shall mean a specific work, repair or improvement to put into effect a development plan. The term shall include the real property, buildings, and improvements owned, constructed, managed, or operated by a redevelopment corporation.

The term "development area" shall mean that portion of an area to which a development plan is applicable.

The term "development cost" shall mean the amount determined by the supervising agency to be the actual cost of the development, or of the part thereof for which such determination is made, and shall include, among other costs, the reasonable costs of planning the development, including

preliminary studies and surveys, neighborhood planning, and architectural and engineering services, the reasonable values of the services performed by or for the incorporators of a redevelopment corporation in connection with the development plan prior to the time when the redevelopment corporation was incorporated or became a redevelopment corporation, fees for acquisition costs, the costs of financing the development, including carrying charges during construction, working capital in an amount not exceeding 5 per cent of development cost, the actual cost of real property or any part thereof where acquired partly or wholly in exchange for securities, then, an amount which shall be approved by the supervising agency as being equal to the reasonable value of the real property acquired therefor, the actual cost of demolition of existing structures, the actual cost of utilities, landscaping and roadways, the actual cost of construction, equipment and furnishing of buildings and improvements, including architectural, engineering and builder's fees, the actual cost of reconstruction, rehabilitation, remodeling or initial repair of existing buildings and improvements, reasonable management and operation costs until the development is ready for use, and the actual cost of improving that portion of the development area which is to remain as open space, together with such additions to development cost as shall equal the actual cost of additions to or changes in the development in accordance with the original development plan or after approved changes in or amendments thereto.

The term "development plan" shall mean a plan for the redevelopment of all or any part of an area, and shall include any amendments thereto approved in accordance with the requirements of paragraph 5 of Section 3 of this act.

The term "local legislative body" shall mean the board of aldermen, or other board or body vested by the charter of the city or other law with jurisdiction to adopt or enact ordinances or local laws.

The term "mortgage" shall mean a mortgage, trust indenture, deed of trust, building and loan contract or other instrument creating a lien on real property, and the indebtedness secured by each of them.

The term "neighborhood unit" shall mean a primarily residential district having the facilities necessary for well-rounded family living, such as schools, parks, playgrounds, parking areas and local shopping districts.

The term "planning commission" shall mean the official bureau, board, planning and zoning or other commission or agency of the city or city and county authorized to prepare, adopt and amend or modify plans for the development and improvement of the city generally.

The term "Supervising Agency" shall mean the Director of Finance or such other person or city agency as may be authorized by the local legislative body under Section 4 of this Act.

The term "real property" shall include lands, buildings, improvements, land under water, waterfront property, and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and rights therein, or appurtenant thereto, legal or equitable, including right of ways, terms for years and liens, charges, or incumbrances by mortgage, judgment or otherwise.

The term "redevelopment" shall mean the clearance, replanning, reconstruction or rehabilitation of a substandard or insanitary area, and the provision of such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto.

The term "redevelopment corporation" shall mean a corporation organized pursuant to the corporation laws of the Commonwealth of Kentucky whose articles of incorporation shall comply with the requirements of Section 5 of this Act.

The term "state" shall mean the Commonwealth of Kentucky.

SECTION 3. DEVELOPMENT PLANS AND APPROVAL THEREOF.

1. A development plan shall contain:

(a) A metes and bounds or other legal description of the development area;

(b) A statement of the various stages, if more than one is intended, by which the development is proposed to be constructed or undertaken, and the time limit for the completion of each stage, together with a metes and bounds description of the real property to be included in each stage;

(c) A statement of the existing buildings or improvements in the development area, to be demolished immediately, if any;

(d) A statement of existing buildings or improvements, in the development area not to be demolished immediately, if any, and the approximate period of time during which the demolition, if any, of each such building or improvement is to take place;

(e) A statement of the proposed improvements, if any, to each building not to be demolished immediately, any proposed repairs or alterations to such building, and the approximate period of time during which such improvements, repairs or alterations are to be made;

(f) A statement of the type, number and character of each new industrial, commercial, residential or other building or improvement to be erected or made;

(g) A statement of those portions, if any, of the development area which may be permitted or will be required to be left as open space, the use to which each such open space is to be put, the period of time each such open space will be required to remain an open space and the manner in which it will be improved and maintained, if at all;

(h) A statement of those portions, if any, of the development area which the redevelopment corporation proposes to sell, donate, exchange or lease to, with or from the city, and an outline of the terms of such proposed sale, donation, exchange or lease;

(i) A statement of the proposed changes, if any, in zoning ordinances or maps, necessary or desirable for the development and its protection against blighting influences;

(j) A statement of the proposed changes, if any, in streets or street levels and any proposed street closings;

(k) A statement of the character of the existing dwelling accommodations, if any, in the development area, the approximate number of families residing therein, together with a schedule of the rentals being paid by them, and a schedule of the vacancies in such accommodations, together with the rental demanded therefor;

(l) A statement of the character, approximate number of units, approximate rentals and approximate date of availability of the proposed dwelling accommodations, if any, to be furnished during construction and upon completion of the development;

(m) A statement of the proposed method of financing the development, in sufficient detail to evidence the probability that the redevelopment corporation will be able to finance or arrange to finance the development;

(n) A statement of persons who it is proposed will be active in or associated with the management of the redevelopment corporation during a period of at least one year from the date of the approval of the development plan. The development plan, and any application to the planning commission or supervising agency for approval thereof, may contain in addition such other statements or materials as may be deemed relevant by the proposer thereof, including limits on the amounts which may be paid as compensation for serv-

ices to the officers and employees of the redevelopment corporation, suggestions for the clearance, replanning, reconstruction or rehabilitation of one or more areas which may be larger than the development area but which include it, and any other provisions for the redevelopment of such area or areas.

2. No development shall be initiated until certificates of approval of the development plan therefor shall have been issued by both the planning commission and the supervising agency.

3. A planning commission may approve a development plan, but no certificate of approval thereof shall be issued by it unless and until an application for approval has been filed with it, together with the development plan, and unless and until, after a public hearing before it, notice of which hearing giving the time, place and purpose of the hearing shall be published twice a week for two consecutive weeks next before the date of hearing in a daily newspaper of general circulation in the city in which the proposed development area is located, and by one or more hand bills posted up in the area sought to be redeveloped giving the time, place and purpose of the hearing, the planning commission finds:

(a) That the area within which the development area is included is substandard or insanitary and that the redevelopment of the development area in accordance with the development plan is necessary or advisable to effectuate the public purposes declared in Section 1 of this Act;

(b) That the development plan is in accord with the master plan, or city map, if any, of the city;

(c) That the development area is of sufficient size to allow its redevelopment in an efficient and economically satisfactory manner;

(d) That the various stages, if any, by which the development is proposed to be constructed or undertaken, as

stated in the development plan, are practicable and in the public interest;

(e) That public facilities, including, but not limited to school, fire, police, transportation, park, playground and recreation, are presently adequate, or will be adequate, at the time that the development is ready for use, to service the development area;

(f) That the proposed changes, if any, in zoning ordinances or maps and in streets and street levels, or any proposed street closing, are necessary or desirable for the development and its protection against blighting influences and for the city as a whole;

(g) Upon the data submitted by or on behalf of the redevelopment corporation, or upon data otherwise available to the planning commission that the carrying into effect of the development plan will not cause undue hardship to the families, if any, occupying dwelling accommodations in the development area to such a degree as to outweigh the public purpose defined in Section 2 of this Act.

Any such findings shall be conclusive evidence of the facts so determined except upon proof of fraud or wilful misfeasance. In arriving at such determination, the planning commission shall consider only those elements of the development plan relevant to such determination under subparagraphs (a) through (g) of this paragraph 3 of Section 3 of this Act and to the type of development which is physically desirable for the development area concerned from a city planning viewpoint, and from a neighborhood unit viewpoint if the development plan provides that the development area is to be primarily residential. Upon approval of a development plan by the planning commission, it shall forthwith issue a certificate of approval thereof.

Such planning commission may state general standards of city and neighborhood unit planning to which a development plan should conform to be approved by it. Such

standards, however, shall be as flexible as possible and only for the guidance of prospective proponents of development plans. Variations therefrom shall be freely allowed upon a showing of their advisability, to the end that individual initiative be encouraged.

4. A supervising agency may approve a development plan, but no certificate of approval thereof shall be issued by it unless and until the planning commission shall first have approved thereof and there has been filed with the supervising agency the development plan, the certificate of approval by the planning commission and an application for approval by the supervising agency, and unless and until the supervising agency shall find:

(a) That the proposed method of financing the development is feasible and that it is probable that the redevelopment corporation will be able to finance or arrange to finance the development;

(b) That the persons who it is proposed will be active in or associated with the management of the redevelopment corporation during a period of at least one year from the date of the approval of the development plan have sufficient ability and experience to cause the development to be undertaken, consummated and managed in a satisfactory manner.

Any such determination shall be conclusive evidence of the facts so determined except upon proof of fraud or wilful misfeasance. In considering whether or not a certificate of approval of the development plan shall be issued, the supervising agency shall consider only those elements of the development plan relevant to such determination under subparagraphs (a) and (b) of this paragraph 4 of Section 3 of this Act. Upon approval of a development plan by the supervising agency, it shall forthwith issue a certificate of approval thereof.

5. The planning commission and the supervising agency may approve an amendment or amendments to a development

plan, but no such amendment to a development plan which has theretofore been approved by the planning commission and the supervising agency shall be approved unless and until an application therefor has been filed with the planning commission or the supervising agency by the redevelopment corporation containing that part of the material required by paragraph 1 of this Section 3 which shall be relevant to the proposed amendment, and unless and until the planning commission or the supervising agency, as the case may be shall make the findings required by paragraph 3 or 4 of this Section 3 which shall be relevant to the proposed amendment.

6. The planning commission and the supervising agency may each adopt a schedule of fees to be paid said commission or said agency, as the case may be, upon the filing of the development plan, amendments thereto and other instruments in connection therewith. The amount of these fees shall not exceed the reasonable cost of the examining, inspectional and supervisory services required under this Act.

SECTION 4. APPOINTMENT OF SUPERVISING AGENCY. The local legislative body of such cities is hereby authorized by general ordinance or local law to appoint, establish or designate the chief financial officer of the city or some other official or bureau, commission or agency as the person or body to exercise the powers and perform the duties held by or incumbent upon a supervising agency pursuant to this act, except that if there is a Director of Finance in the city he shall have the power and perform the duties of such supervising agency unless otherwise provided by ordinance. In event the planning commission or the supervising agency of such city does not now have sufficient authority to carry out their respective duties under this act, or to accomplish the purposes of this act, then such authority may be provided by general ordinance of the local legislative body of such city.

SECTION 5. REDEVELOPMENT CORPORATIONS.

1. At any time within twenty years of the date upon

which this act shall take effect, three or more persons may form a Redevelopment Corporation on making, subscribing, acknowledging and filing Articles of Incorporation and obtaining a certificate or charter pursuant to the general corporation law, which charter shall be entitled and endorsed "Certificate or Charter of Incorporation of ..... Redevelopment Corporation," the blank space being filled in with the remainder of the name of the corporation. Such Articles of Incorporation shall contain the provisions required in, and may contain any provisions consistent with the provisions of this act permitted in articles of incorporation filed pursuant to the general corporation law, except that:

(a) Included among the purposes for which the corporation is formed shall be the formulation, obtaining the approval of, and putting into effect of a development plan, the acquisition of real property in a development area, and the construction, maintenance and operation of a development pursuant to this act;

(b) The duration of the corporation shall not be less than twenty years;

(c) The certificate or charter shall contain a declaration that the redevelopment corporation has been organized to serve a public purpose, and that it shall be subject to supervision and control as provided in this act. A copy of such articles of incorporation shall be filed with the planning commission and the supervising agency having jurisdiction within thirty days of its being filed in the office of the Secretary of State.

2. At any time within twenty years of the date upon which this act shall take effect, any domestic corporation which is not a redevelopment corporation, but which has been incorporated pursuant to the general corporation law may become a redevelopment corporation by filing an appropriate amendment to its articles of incorporation and obtaining certificate or certificates pursuant to the general corporation

law changing the provisions of its articles and charter or certificate of incorporation to eliminate any provisions therein inconsistent with the provisions of this act and adding or substituting the provisions required by this Section 5, by changing its name to a name corresponding to the form "..... redevelopment corporation", and making all the other changes necessary to enable it to conform with all of the provisions of this act. Any such amended articles of incorporation shall be prepared and filed pursuant to the general corporation law, except that in addition to citing such law in the title of such certificate, the title shall also state that it is being made pursuant to Section 5 of this act.

3. If a redevelopment corporation shall not have obtained the certificates of approval of its development plan required by Section 3 of this act within twelve months of the date upon which it became a redevelopment corporation, or shall not substantially comply with the development plan within the time limit for the completion of each stage thereof as therein stated, reasonable delays caused by unforeseen difficulties excepted, then upon the filing in the department of state of a certified copy of the order of the court establishing such failure to obtain such certificate or substantially so to comply, obtained pursuant to Section 11 of this act, such redevelopment corporation shall cease to have the special rights, powers and privileges granted to, or be subject to the special duties, liabilities and restrictions imposed upon, a redevelopment corporation by this act, and shall thereafter change its name to remove the word "redevelopment" therefrom. In such event, however, such corporation may thereafter continue in existence as a corporation, subject to the general corporation law. In the event that a certified copy of such order shall be so filed, all real property acquired by or for such redevelopment corporation by condemnation shall be disposed of, either alone or in conjunction with additional real property not so acquired, within a reasonable time by bona fide sale. All amounts received by the redevelopment

corporation for such real property in excess of an amount equal to that portion of the development cost allocable to the real property being disposed of, shall be paid to the city.

4. No corporation now organized under the laws of the state shall change its name to a name, and no such corporation hereafter organized shall have a name, containing the word "redevelopment" as a part thereof, unless and until such corporation is or becomes a redevelopment corporation. No foreign corporation now authorized to do business in the state shall change its name to a name, and no such corporation shall hereafter be authorized to do business in the state with a name, containing the word "redevelopment" as a part thereof.

SECTION 6. LIMITATION OF REDEVELOPMENT CORPORATIONS. No redevelopment corporation shall:

1. Undertake any clearance, reconstruction, improvement, alteration or construction in connection with any development until the certificates of approval required by Section 3 of this act has been issued;

2. Change, alter, amend, add to or depart from the development plan until the planning commission or the supervising agency, as the case may be, has issued a certificate of approval of that portion of such change, alteration, amendment, addition or departure relevant to the finding required to be made by it as set forth in Section 3 of this act;

3. After a development has been commenced, sell, transfer or assign any real property in the development area without first obtaining the consent of the planning commission and the supervising agency;

4. Undertake more than one development;

5. Pay dividends, if any, except out of net earnings.

6. Pay as compensation for services to, or enter into contracts for the payment of compensation for services to, its officers or employees in an amount greater than the limit

thereon contained in the development plan, or in default thereof, then in an amount greater than the reasonable value of the services performed or to be performed by such officers or employees;

7. Lease an entire building or improvement in the development area to any person or corporation without obtaining the approval of the supervising agency, which may be withheld only if the lease is being made for the purpose of evading the regulatory provisions of this act;

8. Mortgage any of its real property without obtaining the approval of the planning commission and the supervising agency;

9. Make any guarantee without obtaining the approval of the supervising agency;

10. Dissolve without obtaining the approval of the supervising agency, which may be given upon such conditions as the supervising agency may deem necessary or appropriate to the protection of the interest of the city in the proceeds of the sale of the real property acquired by condemnation as provided in paragraph 3 of Section 5 of this act, such approval to be endorsed on the certificate of dissolution and such certificate not to be filed in the department of state in the absence of such endorsement;

11. Reorganize without obtaining the approval of the supervising agency.

SECTION 7. APPLICATION OF OTHER CORPORATION LAWS TO REDEVELOPMENT CORPORATIONS. The provisions of the general corporation law as presently in effect and as hereafter from time to time amended, shall apply to redevelopment corporations, except where such provisions are in conflict with the provisions of this act.

SECTION 8. CONSIDERATION FOR ISSUANCE OF STOCK. No redevelopment corporation shall issue stock

except for money or property actually received for the use and lawful purposes of the corporation or services actually performed for the corporation.

SECTION 9. DETERMINATION OF DEVELOPMENT COST.

1. Upon the completion of a development, a redevelopment corporation shall, or upon the completion of a principal part of a development, a redeveloping corporation may, file with the supervising agency an audited statement of the development cost thereof. Within a reasonable time after the filing of such statement, the supervising agency shall determine the development cost applicable to the development of such portion thereof and shall issue to the redevelopment corporation a certificate stating the amount thereof as so determined.

A redevelopment corporation may, at any time, whether prior or subsequent to the undertaking of any contract or expense, apply to the supervising agency for a ruling as to whether any particular item of cost therein may be included in development cost when finally determined by the supervising agency, and the amount thereof. The supervising agency shall, within a reasonable time after such application, render a ruling thereon, and in the event that it shall be ruled that any item of cost may be included in development cost, the amount thereof as so determined shall be so included in development cost when finally determined.

SECTION 10. REGULATION OF REDEVELOPMENT CORPORATIONS BY SUPERVISING AGENCY.

A redevelopment corporation shall:

1. Furnish to the supervising agency from time to time, as required by it, but with respect to regular reports not more often than once every six months, such financial information, statements, audited reports or other material as such supervising agency shall require, each of which shall conform to

such standards of accounting and financial procedure as the supervising agency may by general regulation prescribe.

2. Establish and maintain such depreciation and other reserves, surplus and other accounts as the supervising agency may reasonably require.

SECTION 11. ENFORCEMENT PROCEEDINGS AGAINST REDEVELOPMENT CORPORATIONS. Whenever a redevelopment corporation shall not have obtained the certificates of approval of its development plan required by Section 3 of this act within twelve months of the date upon which it became a redevelopment corporation, or shall not have substantially complied with its development plan within the time limits for the completion of each stage thereof as therein stated, reasonable delays caused by unforeseen difficulties excepted, or shall do, permit to be done or fail or omit to do anything contrary to or required of it, as the case may be, by this act, or shall be about so to do, permit to be done or fail or omit to have done, as the case may be, then any such fact may be certified by the planning commission or the supervising agency, whichever shall have supervision thereof, to the chief legal officer of the city, who may thereupon commence a proceeding in the circuit court of the county in which such city is located in the city's name for the purpose of having such action, failure or omission, or threatened action, failure or omission, established by order of the court for the purpose stated in paragraph 3 of Section 5 of this act, or stopped, prevented or otherwise rectified by mandamus, injunction or otherwise. Such proceedings shall be commenced by a petition to the circuit court alleging the violation complained of and praying for appropriate relief. It shall thereupon be the duty of the court to specify the time, not exceeding twenty days after service of a copy of the petition, within which the redevelopment corporation complained of must answer the petition. The court shall, immediately after a default in answering or after answer, as the case may be,

inquire into the facts and circumstances in such manner as the court shall direct without other or formal proceedings, and without respect to any technical requirements. Such other persons or corporations as it shall seem to the court necessary or proper to join as parties in order to make its orders of judgment effective may be joined as parties. The final judgment or order in any such action or proceeding shall dismiss the action or proceeding or establish the failure complained of or direct that a mandamus order, or an injunction, or both, issue, or grant such other relief as the court may deem appropriate.

SECTION 12. TRANSFER OF REAL PROPERTY TO REDEVELOPMENT CORPORATION. Notwithstanding any requirement of law to the contrary or the absence of direct provision therefor in the instrument under which a fiduciary is acting, every executor, administrator, trustee, guardian or any other person, holding trust funds or acting in a fiduciary capacity, unless the instrument under which such fiduciary is acting expressly forbids, the state, its subdivisions, cities, all other public bodies, all public officers, corporations organized under or subject to the provisions of the banking law (including savings banks, savings and loan associations, trust companies, banking corporations), the commissioner of the banking department as conservator, liquidator or rehabilitator of any such person, partnership or corporation, persons, partnerships and corporations organized under or subject to the provisions of the insurance law, the commissioner of insurance as conservator, liquidator or rehabilitator of any such person, partnership or corporation, any of which owns or holds any real property within a development area, may grant, sell, lease or otherwise transfer any such real property to a redevelopment corporation, and receive and hold any cash, stocks, notes, mortgages, or other securities or obligations, which they are allowed by law to acquire, exchanged therefor by such redevelopment corpora-

tion, and may execute such instruments and do such acts as may be deemed necessary or desirable by them or it and by the redevelopment corporation in connection with the development and the development plan.

SECTION 13. METHODS OF ACQUISITION OF REAL PROPERTY.

1. A redevelopment corporation may, whether before or after the certificates of approval of its development plan required by Section 3 of this act have been issued, acquire real property or secure options in its own name or in the name of nominees to acquire real property, by gift, grant, lease, purchase or otherwise.

2. Such city may, upon request by a redevelopment corporation, and after a certificate of approval of condemnation with respect to the real property in question has been issued pursuant to Section 14 of this act, acquire, or obligate itself to acquire, for such redevelopment corporation any real property included in such certificate of approval of condemnation, by condemnation. Real property acquired by such city for a redevelopment corporation shall be conveyed by such city to the redevelopment corporation upon payment to the city of all sums expended or required to be expended by the city in the acquisition of such real property.

SECTION 14. PROCEEDINGS TO CONDEMN.

1. When it is desired that any real property in a development area be acquired by condemnation, there shall be presented to the supervising agency by the redevelopment corporation a verified petition requesting the issuance of a certificate of approval of condemnation of such real property which shall contain, among other things:

(a) A metes and bounds description or other legal description of the real property involved and a statement of the estate, interest, privilege, franchise or right therein or appurtenant thereto to be condemned;

(b) Proof that such real property is within the development area;

(c) Proof that certificates of approval of the development plan required by Section 3 of this act have been issued.

The supervising agency shall determine within a reasonable time thereafter the truth or sufficiency of the statements and proof contained in such petition, and, if such determination shall be in the affirmative, the supervising agency shall issue to the petitioner a certificate of approval of condemnation. Such certificate shall contain a description of the real property proposed to be condemned, the facts so determined with respect thereto, and a statement that the real property proposed to be condemned is required for a public use and that its acquisition for such use is necessary. No condemnation proceeding to acquire real property in a development area, by a city for a redevelopment corporation, shall be commenced until such a certificate of approval of condemnation shall have been issued.

2. Before condemnation proceedings for a redevelopment corporation shall be instituted the redevelopment corporation shall make written request to the Mayor of the city to cause the city to institute proceedings to acquire for the redevelopment corporation any real property in the development area. Such request shall be granted or rejected by the city through action of its local legislative body, and the ordinance granting such request shall contain a requirement that the redevelopment corporation shall pay to the city all sums expended or required to be expended by the city in the acquisition of such real property, and the time of payment and manner of securing payment thereof, and may require that the city shall receive, before proceeding with the acquisition of such real property, such assurances as to payment or reimbursement thereof by the redevelopment corporation, or otherwise, as the city may deem advisable. Upon the passage of such

ordinance by the local legislative body, granting the petition, the redevelopment corporation shall cause to be made three copies of surveys or maps of the real property described in the petition, one of which shall be filed in the office of the redevelopment corporation, one in the office of the chief law officer of the city, and one in the office in which instruments affecting real property in the county are recorded. The filing of such copies surveys or maps shall constitute the acceptance by the redevelopment corporation of the terms and conditions contained in such ordinance. Proceedings for such condemnation shall be conducted in the circuit court of the county in which the property lies, and shall be conducted in the name of such city by the City Attorney, and the judgment of the court shall vest fee simple title to the property condemned by the city. In all other respects and except as herein specifically provided, the form and manner of the proceedings shall be the same as that provided for the condemnation of property for park purposes in such city. When title to the real property shall have vested in the city, it shall for use in such redevelopment convey the same to the redevelopment corporation upon payment by the redevelopment corporation of the sums and the giving of the security required by the ordinance granting the request. As soon as title shall have vested in the city, the redevelopment corporation may, upon the authorization of the local legislative body, enter upon the real property taken, take over and dispose of existing improvements, and carry out the terms of the development plan with respect thereto.

3. The following provisions shall apply to any proceedings for the assessment of compensation and damages for real property in a development area taken or to be taken by condemnation for a redevelopment corporation:

(a) Evidence of the price and other terms upon any bona fide sale, or the rent received or reserved, and other terms upon any bona fide sale, option, lease or tenancy

relating to any of the real property taken or to be taken or to any comparable real property in the vicinity when the option, sale, or lease was given, occurred or the tenancy existed, within a reasonable time of the trial, shall be admissible on direct examination;

(b) Any time during the pendency of such action or proceeding, the redevelopment corporation, the city or any owner may apply to the court for an order directing any owner, the redevelopment corporation, or the city, as the case may be, to show cause why further proceedings should not be expedited, and the court may upon such application make an order requiring that the hearings proceed and that any other steps be taken with all possible expedition;

(c) For the purposes of this act, the award of compensation shall not be increased by reason of any increase in the value of the real property caused by the assembly, clearance or reconstruction, or proposed assembly, clearance or reconstruction for the purposes of this act of the real property in the development area. No allowance shall be made for the improvements begun on real property after notice to the owner of such property of the institution of the proceedings to condemn such property;

(d) Evidence shall be admissible bearing upon the insanitary, unsafe or substandard condition of the premises, or the illegal use thereof, or the enhancement of rentals from such illegal use, and such evidence may be considered in fixing the compensation to be paid, notwithstanding that no steps to remedy or abate such conditions have been taken by the department or officers having jurisdiction. If a violation order is on file against the premises in any such department, it shall constitute prima facie evidence of the existence of the condition specified in such order;

(e) If any of the real property in the development area which is to be acquired by condemnation has, prior to such acquisition, been devoted to another public use, it may never-

theless be acquired provided that no real property belonging to the city or to any other governmental body, or agency or instrumentality thereof, corporate or otherwise, may be acquired without its consent;

(f) Upon the trial, evidence of the price and other terms upon a sale or assignment or of a contract for the sale or assignment of a mortgage, award, proposed award, transfer of a tax lien or lien of a judgment relating to property taken, shall be relevant, material and competent, upon the issue of value or damage and shall be admissible on direct examination;

(g) Upon the trial a statement, affidavit, deposition, report, transcript of testimony in an action or proceeding, or appraisal made or given by any owner or prior owner of the premises taken, or by any person on his behalf, to any court, governmental bureau, department or agency respecting the value of the real property for tax purposes, shall be relevant, material and competent upon the issue of value of damage and shall be admissible on direct examination;

(h) The term "owner" as used in this Section 14, shall include a person having an estate, interest or easement in the real property to be acquired or a lien, charge or encumbrance thereon.

SECTION 15. TEMPORARY USE OR OCCUPATION OF REAL PROPERTY TAKEN BY CONDEMNATION. When title to real property has vested in a redevelopment corporation or city by gift, grant, devise, purchase or otherwise, or in the city in condemnation proceedings or otherwise, the redevelopment corporation or city, as the case may be, may agree with the previous owners of such property, or any tenants continuing to occupy or use it, or any other persons who may occupy or use or seek to occupy or use such property, that such former owner, tenant or other persons may occupy or use such property upon the payment of a fixed sum of money for a definite term or upon the payment

periodically of an agreed sum of money. Such occupation or use shall not be construed as a tenancy from month to month, nor require the giving of notice by the redevelopment corporation or the city as the case may be, for the termination of such occupation or use or the right to such occupation or use, but immediately upon the expiration of the term for which payment has been made the redevelopment corporation or city, as the case may be, shall be entitled to possession of the real property and may maintain summary proceedings by forcible detainer or otherwise, and shall be entitled to such other remedy as may be provided by law for obtaining immediate possession thereof. A former owner, tenant or other person occupying or using such property shall not be required to give notice to the redevelopment corporation or city, as the case may be, at the expiration of the term for which he has made payment for such occupation or use, as a condition to his cessation of occupation or use and termination of liability therefor.

In the event that a city has acquired real property for a redevelopment corporation, the city shall, in transferring title to the redevelopment corporation deduct from the consideration or other moneys which the redevelopment corporation has become obligated to pay to the city for such purpose, and credit the redevelopment corporation with the amounts received by the city as payment for temporary occupation and use of the real property by a former owner, tenant, or other person, as in this Section 15 provided, less the cost and expense incurred by the city for the maintenance and operation of such real property.

SECTION 16. MORTGAGES.

1. (a) Upon first obtaining the approval of the supervising agency, any redevelopment corporation may borrow funds for use in the redevelopment, before or during such redevelopment and secure the repayment of same by mortgage or mortgages. Every such mortgage shall be a lien upon

no other property except that forming the whole or a part of a single development area.

(b) Any redevelopment corporation may also borrow funds and secure the repayment thereof by mortgage or mortgages. Every such mortgage shall contain reasonable amortization provisions and be a lien upon no other real property except that forming the whole or a part of a single development area.

2. Certificates, bonds and notes, or part interests therein, or any part of an issue thereof, which are secured by a first mortgage on the real property in a development area, or any part thereof, shall be securities in which all the following persons, partnerships or corporations and public bodies or public officers may legally invest the funds within their control: Provided, that the principal amount secured by such mortgage shall not exceed the limits, if any, imposed by law for such investments by the person, partnership, corporation, public body or public officer making the same.

Every executor, administrator, trustee, guardian, committee or other person or corporation holding trust funds or acting in a fiduciary capacity; the state, its subdivisions, cities, all other public bodies, all public officers; persons, partnerships and corporations organized under or subject to the provisions of the banking law (including savings banks, savings and loan associations, trust companies, banking corporations); the commissioner of the banking department as conservator, liquidator or rehabilitator of any such person, partnership or corporation; persons, partnerships or corporations organized under or subject to the provisions of the insurance law; fraternal benefit societies; and the commissioner of insurance as conservator, liquidator or rehabilitator of any such person, partnership or corporation.

3. Any redevelopment corporation may mortgage the real property in a development area, or any part thereof, and

create a first lien, or a second or other junior lien, upon such real property, as the case may be.

4. The limits as to principal amount secured by mortgage referred to in paragraph 2 of this Section 16 shall not apply to certificates, bonds and notes, or part interests therein, or any part of an issue thereof, which are secured by first mortgage on real property in a development area, or any part thereof, which the federal housing administrator has insured or had made a commitment to insure under the national housing act. Any such person, partnership, corporation, public body or public officer may receive and hold any debentures, certificates or other instruments issued or delivered by the federal housing administrator, pursuant to the national housing act, in compliance with the contract of insurance of a mortgage on real property in the development area, or any part thereof.

SECTION 17. SALE OF REAL PROPERTY BY SUCH CITY TO A REDEVELOPMENT CORPORATION.

1. The local legislative body may by ordinance determine that real property specified and described in such ordinance, title to which is held by the city and which was not acquired by condemnation under the provisions of this act, is needed for the redevelopment project and may authorize the city to convey, sell, such real property to a redevelopment corporation: Provided, however, that the title of the city to such real property be not declared inalienable by charter of the city, or other similar law or instrument.

2. Notwithstanding the provisions of any general, special or local law or ordinance, such sale may be made without appraisal, public notice or public bidding for such price and upon such terms as may be agreed upon between the city and the redevelopment corporation.

3. Before such sale to a redevelopment corporation shall be authorized, a public hearing shall be held by the local legislative body to consider the proposed sale.

4. Notice of such hearing shall be published at least ten days before the date set for the hearing in such publication and in such manner as may be designated by the local legislative body.

5. The deed to such real property shall be executed in the same manner as a deed by the city of other real property owned by it and may contain such appropriate conditions and provisions as is authorized by this act relating to such redevelopment corporation and any conditions or provisions of deeds to the city.

6. A redevelopment corporation purchasing real property from a city shall not, without the consent of the legislative body of the city, use such real property for any purpose except in connection with the redevelopment. The deed may contain a condition that the redevelopment corporation will devote the real property granted only for the purposes of its development subject to the restrictions of this act.

SECTION 18. CERTIFICATES OF COMPLETION, SUPERVISION AND CONTROL AFTER MORTGAGE OR SALE.

(1) It shall be the duty of the supervising agency, upon any request from a redevelopment corporation, to determine whether the redevelopment of any unit or units in the development area has been achieved, and if the supervising agency finds that such redevelopment has been finished and achieved it shall issue to the redevelopment corporation a certificate of completion showing that the redevelopment of such parcel or parcels has or have been completed, describing such unit or units

(2) It shall be the duty of the supervising agency, upon request from a redevelopment corporation, to determine whether the redevelopment of the development area has been achieved, and if the supervising agency finds that such redevelopment has been finished and achieved it shall issue to

the redevelopment corporation a certificate of completion showing that the redevelopment of such area has been completed. No such determination or finding shall affect any unit or units for which certificates of completion have been issued under paragraph 1 of this section of this act.

(3) Such redevelopment property, or unit thereof, may be sold or mortgaged; Provided, however, that such sale or mortgage shall be authorized as herein provided and shall, after such sale or mortgage, be used for the general purposes of this act and maintained in accordance with the standards provided therefor by the planning commission of such city in the original certificate of approval issued for such redevelopment under and pursuant to the provisions of paragraph 3 of Section 3 of this act.

(4) Such certificate or certificates of completion shall be conclusive evidence, upon which any one dealing with such property may rely, that the redevelopment of the property therein described has been fully completed in conformity with this act and the development plan.

SECTION 19. CONSTRUCTION. This act shall be construed liberally to effectuate the purposes hereof, and the enumeration of specific powers in this act shall not operate to restrict the meaning of any general grant of power contained in this act or to exclude other powers comprehended in such general grant.

SECTION 20. SEVERABILITY. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Ordered that said bills be printed and referred.

The House took up for consideration from the Orders of the Day, a bill entitled:

S. B. 10. An Act amending the Reorganization Act.

With a Committee amendment thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4618-89 Kentucky Statutes, Carroll's 1936 Edition, and Section ——— of Kentucky Revised Statutes, be amended and reenacted so as to read as follows:

The division of purchases and public properties under the direction of the Commissioner of Finance, shall purchase for the combined requirements of all spending agencies of the State all supplies, materials, and equipment, except library books, scientific equipment, or shall control or delegate the purchase thereof. The division shall have supervision over all purchases by the various spending agencies, except as otherwise provided in this Act, and may prescribe rules to govern purchasing by or for all such agencies, subject to the approval of the Commissioner of Finance; and no purchase or contract shall be binding on the State or any agency thereof unless approved by the division or made under general regulations which the Department may prescribe. The division shall maintain perpetual inventories of plant and equipment. It shall have power, with the approval of the Commissioner of Finance, to transfer between departments, to salvage, to exchange, and to condemn supplies and equipment. It shall sell all property (including real estate) of the State determined, with the approval of the Commissioner of Finance and the Governor, not to be needed for public use or to have become unsuitable for such use. All deeds covering the sale of real estate shall be exe-

cuted and signed by the Commissioner of Finance and approved and signed by the Governor. It shall purchase all property (including real estate) determined to be needed for State use, upon the approval of the Commissioner of Finance and the Governor as to the determination of need and as to the action of purchase. Nothing in this provision shall affect the power now vested by existing laws for the purchase of real estate by State agencies or divisions thereof. It shall fix standards of quality and quantity, and shall develop standard specifications in consultation with the several spending agencies of the State. It shall maintain records of supplies for various classes of purchases, unit costs under contracts, trends of prices and costs, and other matters incident to performance of its functions as the Commissioner of Finance directs. It shall attempt in every practicable way to insure the State's supplying its real needs at the lowest possible cost.

The division shall operate a mail and messenger service for all agencies located at the seat of government and shall handle all postage for such agencies, so far as practicable by postage meter, and may maintain a control supply service including control storeroom for stationery and office supplies. It shall provide such duplicating and minor printing services to other agencies as can practicably and economically be rendered by means of available types of office equipment. It shall provide, so far as practicable, clerical and stenographic services as needed for unusual work demands of other agencies at the seat of government above the normal demands that can be met by their permanent staff.

It shall be responsible for the custody, management, maintenance, improvement, and operation of all buildings and grounds owned or leased for the use of agencies of the State other than buildings and grounds maintained for the exclusive use of any one agency. It shall have authority to allocate the space in the State Capitol and any other building

or buildings in its custody to the various agencies, according to their several needs and the space available, and to lease and allocate space for the housing of agencies that cannot be so accommodated when funds are made available for that purpose.

The division of purchases and public properties shall be headed by a purchasing agent, who shall have had four years of responsible experience in purchasing, or equivalent experience.

If the Kentucky Revised Statutes are enacted at the present seession of the General Assembly, this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 42.060, and thereafter be treated as an amendemnt to KRS 42.060 rather than an amendment to Section 4618-89 of Carroll's Statutes.

Said amendment as proposed by the Committee is as follows, viz.:

1. Amend S. B. 10 in House on page 3 by adding the following paragraph:

"Whereas, the program of rehabilitation of state institutions will require immediate purchase and sale of certain lands, and whereas it is necessary that such property be purchased and sold as soon as practical, now

Therefore, an emergency is declared to exist and this act shall take effect immediately after its passage and approval by the Governor."

2. Amend the title of the printed copy of S. B. 10 in House by adding the following:

"and declaring an emergency to exist."

Amendment No. 1 as proposed by the Committee was agreed to.

Mr. Waterfield offered the following amendment to said bill, viz.:

Amend printed copy of Senate Bill 10 in House on page 2, section ....., after line 31, by inserting:

"No official or employee of the Division of Purchases shall have any financial interest in or connection with any firm, person, partnership or corporation selling to the State or acting as dealer, broker or salesman in making sales to the State, nor shall any official or employee of the Division of Purchases profit directly or indirectly from any such firm, person, partnership or corporation, either by receiving rebates or commissions or by receiving credit or favors of any kind whatsoever. Any official or employee so offending shall be guilty of a felony and upon conviction thereof shall be confined in a penitentiary for not less than two nor more than ten years, and in addition to such imprisonment shall be fined in an amount equal to three times the amount of such rebate, commission, credit or fair cash value of such favor. Any purchase of goods and supplies at retail which could be bought at wholesale, purchase of any goods and supplies at prices substantially higher than the prices available in the open market for goods and supplies suitable for similar use, and failure to obtain discounts equal to those available on competitive lines, shall each be prima facie evidence that a rebate, commission, credit or favor has been received in violation hereof."

Mr. Ward moved that the Clerk be directed to have 125 copies of said amendment as offered by Mr. Waterfield, mimeographed and distributed to members of the House immediately after the noon recess.

Said motion was agreed to.

Mr. Ward moved that said bill be made a Special Order of the day for Wednesday, January 28, at two o'clock P. M.

Said motion was agreed to.

The House took for consideration from the Orders of the Day, a bill entitled:

H. B. 89. An Act relating to appropriations for the Division of Banking.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Subsection (7) of section 1, of Chapter 30 of the 1940 Acts of the General Assembly is amended to read as follows:

(1) All moneys collected by the Division of Banking, from any source, during any fiscal year, in excess of the amount appropriated out of the General Expenditure Fund to the Division of Banking for that fiscal year, shall be placed in a revolving fund in the State Treasury to be expended for the ordinary recurring expenses of operation of the Division of Banking.

(2) All moneys collected by the Division of Banking during the fiscal year from July 1, 1941, to June 30, 1942, in excess of the moneys appropriated to the Division of Banking out of the General Expenditure Fund for that fiscal year shall be placed in the revolving fund created by this section.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 47.070, and thereafter be treated as an amendment to KRS 47.070 rather than an amendment to 1940, c. 30, § 1, subsection 7.

Mr. Wilson offered the following amendment to said bill, viz.:

Amend H. B. 89 on page 2 at the end of said bill by adding the following clause:

"Whereas the money made available under this Act is needed immediately by the division of Banking, an emergency

is hereby declared to exist and this act shall take effect immediately upon its passage and approval by the Governor."

Said amendment was agreed to.

Mr. Wilson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Pink G. Curd	W. A. Lamkin
George P. Anderson	Dr. J. A. Duff	H. W. Linville
Henry Arrowood	Forest C. Easley	A. L. Love
Robert E. Barry	Harry W. Ennis	William Lovett
W. T. Beard	John D. Fields	Hugh D. Lyon
Robert E. Beatty	Joseph J. Grace	H. McCartney
Douglas T. Bolling	A. G. Hamilton, Jr.	Cary McDevitt
Gus A. Brooks	Fuller Harding	Norris McPherson
Sherman E. Carter	E. R. Hilton	Dr. Wm. C. Mann
C. L. Clayton	Clyde S. Howard	Ed. Marcum
T. Fowler Combs	Jerry F. Howell	C. C. May
Oris Cooper	Chas. O. Humston	J. Milton Mefford
M. A. Cornett	W. H. Hunt	D. J. Moore
John Henry Cox	Crow Jarvis	J. Lee Moore
Rev. W. W. Crouch	William L. Jones	L. D. Moore
Guthrie F. Crowe	John S. Juett	C. E. Montgomery

F. E. Morancy	Dr. M. M. Robinson	C. W. Taylor
E. R. Morlidge	Byron H. Royster	Egbert Taylor
C. Sid Nabb	Dr. K. N. Salyer	Roy L. Taylor
Coy Nevitt	Carl Scheben	Rev. H. Tinsley
Robert Nicholas	Leon J. Shaikun	John L. Trumbo
H. C. Patterson	Faust Y. Simpson	Erna E. Tyra
Paul Pelfrey	Clyde Smith	J. Wood Vance
B. W. Porter	Otto Smither	S. J. Wagner
Kleber F. Price	Charles L. Spilman	Harry Walters
James E. Quill	James D. Stacey	H. A. Ward
L. Allen Rhoads	J. Claude Stacy	Henry Ward
Dr. J. J. Rice	R. C. Stephenson	H. L. Waterfield
Wade H. Riley	Thomas M. Swope	E. Reed Wilson

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Resolved that the title thereof be as aforesaid.

Mr. Wilson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Ward moved that the vote by which the House applied the clincher motion to said bill, be reconsidered.

Said motion was agreed to.

Mr. Ward moved that the vote by which the title was approved, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Wilson offered the following amendment to the title of said bill, viz.:

Amend the title to H. B. 89 by adding the following to the title "and declaring an emergency to exist."

Said amendment was agreed to.

Resolved that the title thereof be as amended.

Mr. Wilson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 65. An Act to repeal, amend and reenact Chapter 9 of the Acts of the General Assembly, 1940 regular session, entitled: "AN ACT to bond weighmen in stockyards, to provide for monthly reports from stockyards, to place supervision of stockyards and weighing devices therein in the Department of Agriculture, Labor and Statistics, and to provide for inspection of weighing devices." To license weighmen in stockyards, concentration points, packing plants, butcher shops, and other establishments where livestock is bought and sold, to provide monthly reports from all such establishments, to give the Commissioner of Agriculture supervision over all such establishments and weighing devices therein, to provide for license fees to be paid by such establishments for the enforcement of this Act, to provide for the inspection of weighing devices therein, allowing the Commissioner of Agriculture to make rules and regulations for the enforcement of this Act, placing jurisdiction in the Franklin Circuit Court, providing penalties for violation, and repealing all laws in conflict.

With Committee amendments thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Chapter Nine (9) of the Acts of the 1940 regular session of the General Assembly, entitled: "AN ACT to bond weighmen in stockyards, to provide for monthly reports from stockyards, to place supervision of stockyards and

weighing devices therein in the Department of Agriculture, Labor and Statistics, and to provide for inspection of weighing devices," is hereby repealed, amended, and reenacted so that when so amended and reenacted shall provide as follows:

2. DEFINITIONS AS USED IN THIS ACT UNLESS THE CONTENT REQUIRES OTHERWISE.—(1) "Commissioner" shall mean the Commissioner of Agriculture, Labor and Statistics. (2) "Stock yards" shall mean, live stock yards, auction markets, market places, packing plants, concentration points, or any other place which maintains a scale or scales for the purpose of weighing live stock, if such live stock is bought or sold on the basis of the weight ascertained from such scales, whether such live stock is sold in the original form or processed and the meat therefrom sold in cuts, packages, or in any other manner other than one which is posted and subject to regulation by the Secretary of Agriculture of the United States under the Packers and Stockyards Act of 1921, and laws amendatory thereof and rules and regulations promulgated thereunder by the said Secretary.

3. WEIGHMEN TO BE LICENSED: COST OF LICENSE.—All stock yards employing weighmen shall submit to the Commissioner a list of all weighmen employed and each weighman so employed shall be required to purchase a license entitling him to weigh live stock in the Commonwealth. The cost of such license shall be $7.50 for each weighman.

4. LICENSES FOR WEIGHMEN TO BE ON FORMS FURNISHED BY COMMISSIONER, COMMISSIONER TO INVESTIGATE QUALIFICATIONS, ISSUE LICENSES, WEIGHMEN TO WEAR BADGE FURNISHED BY COMMISSIONER.—Licenses, as provided in Section 3 hereof, shall be procured from the Commissioner of Agriculture on forms furnished by him and the Commissioner shall not issue a license to a weighman until he has investigated the qualifications of such weighman and is satisfied that he is competent to weigh live stock for public sale. Before any

weighman shall be eligible for license he must sign the following oath before a Notary Public and submit same, properly signed and acknowledged, to the Commissioner: "I do solemnly swear (or affirm) that I will correctly and accurately weigh all live stock offered for sale at the stock yard of ..... and correctly test and keep accurate the scales upon which the live stock so offered for sale is weighed." All licensed weighmen shall at all times wear a badge furnished by the Commissioner of Agriculture, which badge shall state the weighman's name, the firm he is employed by, and the expiration date of his license, and the number of such license.

5. ONLY LICENSED WEIGHMEN TO WEIGH LIVESTOCK.—No person other than the licensed weighman, as provided in Section 3 of this Act, shall be permitted to weigh livestock for the purpose of sale at any stock yard.

6. STOCK YARDS TO REPORT MONTHLY SALES OF LIVESTOCK TO THE COMMISSIONER.—Each stock yard operating in the Commonwealth shall, on the first day of each month following the enactment of this legislation, file a sworn statement with the Commissioner showing the exact number of livestock received at the yard for the purpose of sale during the preceeding month. Such reports shall be made on forms furnished by the Commissioner and shall include the number of each species of livestock received and the price paid for same at the time of sale. It shall be the duty of the Commissioner to keep a permanent record of the number of each species of livestock received for sale at all stock yards and the price paid for same at the time of sale.

7. SCALES TO BE KEPT IN GOOD ORDER.—All stock yard scales shall be kept clean, well oiled, and in good condition at all times and each stock yard shall make frequent inspection of all scales for evidence of harm to the weighing mechanism by rodents or by any other means.

8. COMMISSIONER TO ENFORCE ACT AND EMPLOY INSPECTORS, TO PROMULGATE RULES AND REGULATIONS FOR ENFORCEMENT OF ACT.—

(1) The Commissioner shall administer this Act and have general supervision of weighing devices used by all stock yards.

(2) The Commissioner shall employ such inspectors and other employees as are necessary for the enforcement of this Act and the duties and compensation of such employees shall be fixed by the Commissioner in accordance with the Governmental Reorganization Act of 1936.

(3) The Commissioner shall be empowered to promulgate from time to time such rules and regulations as are necessary for the enforcement of this Act.

9. DUTIES OF INSPECTORS.—(1) The inspectors employed under the provisions of Section 8 of this Act shall inspect, as often as the Commissioner deems necessary, all scales in stock yards located in the territory designated by the Commissioner to each inspector. (2) The inspectors employed by the Commissioner shall have the privilege of reweighing any livestock at any stock yard at any time that such inspector shall see fit. (3) The inspectors employed by the Commissioner shall have the right to inspect all scales in all stock yards and require the owner or operator of such scales to clean and oil them and make any necessary adjustments so that the scale inspected shall operate properly at all times. (4) If, upon inspection, the inspector is reasonably certain that the scale inspected is out of adjustment, he shall have the right to order a technical inspector or scale tester to test the scale or scales at the expense of the stock yard which owns such scale or scales.

10. STOCK YARDS TO PAY FOR ADMINISTRATION OF ACT.—Each stock yard operating within the Commonwealth shall pay an annual license tax to provide funds for the administration of this Act, such tax shall be prorated

among the different types of establishments in the following manner:

(1) For each Auction Market the annual license tax shall be $50.00.

(2) For each Packing House or Slaughtering Plant purchasing livestock on the basis of the weight ascertained from a scale or scales owned or operated by the establishment and selling same either in cuts or in processed form as a wholesaler, the annual license tax shall be $50.00.

(3) For each Butcher Shop, or Slaughtering Plant, purchasing livestock on the weight ascertained from a scale or scales owned or operated by the establishment and selling same either in cuts or in processed form as a retailer, the annual license tax shall be $10.00.

(4) For each Concentration Point purchasing livestock on order for one or more Federally Inspected Packing and Slaughtering Plants on the basis of the weight ascertained from scales owned or operated by such establishment, and having pen space in excess of 1,000 square feet, the annual license tax shall be $50.00.

(5) For each Concentration Point purchasing livestock on order for one or more Federally Inspected Packing and Slaughtering Plants on the basis of the weight ascertained from scales owned or operated by such establishment, and having pen space of 1,000 square feet or less, the annual license tax shall be $10.00.

(6) For each Weigh Station which maintains a scale or scales for the purpose of determining the price of livestock weighed on such scale or scales but which does not come within any of the other classifications named herein, the annual license tax shall be $10.00.

11. LICENSE TO BE ISSUED BY COUNTY COURT CLERK ON FORMS FURNISHED BY COMMISSIONER, CLERK TO REPORT.—The license tax designated in Section 10 hereof, shall be issued by the Clerk of the County

Court of the County in which the Stock Yard is located, on license forms furnished by the Commissioner, and the Clerk shall receive a fee of $1.00 for the issuance of such license, such fee to be in addition to the license tax. If any stock yard in the Commonwealth shall fail to secure a license prior to September 1st of any year, the Clerk of the County Court of the County in which the stock yard is located may add to the cost of the license the regular penalty assessed against delinquent tax payments. The Clerk of the County Court shall submit a report to the Commissioner of all such licenses issued no later than the first day of September in each year following the enactment of this legislation and shall remit the full amount of such license tax collected to the Commissioner at the same time that the report is submitted.

12. FUNDS TO BE PLACED IN REVOLVING FUND.—The funds derived from the payment of license taxes, as provided for in Section 10 hereof, and weighmen's license fees as provided for in Section 3 hereof, shall be placed in a revolving fund in the State Treasury to be used by the Commissioner to meet the expenses involved in enforcing the provisions of this Act.

13. COUNTY CLERK MADE AGENT OF COMMISSIONER, ESTABLISHING JURISDICTION. — For the purposes of collection of the license tax, as provided in Sections 10 and 11 hereof, the Clerk of the County Court in each County in the Commonwealth is hereby designated the agent of the Commissioner and all actions arising from the nonpayment of such license taxes shall be brought in the name of the Commissioner in the Franklin Circuit Court.

14. BRIEF STATEMENT OF ACT PROVISIONS TO BE PRINTED AND POSTED.—The Commissioner shall cause to have printed a brief summary of the provisions of this Act and shall forward a copy of such summary to each stock yard in the Commonwealth. Upon receipt of such summary it shall be the duty of each stock yard to post same in

some conspicuous place, for the information of the general public, and to keep same posted at all times.

15. PENALTIES.—No stock yard shall permit any livestock to be weighed except by weighmen who have been duly licensed under Section 3 of this Act. Any stock yard violating this provision shall be guilty of a misdemeanor and shall be fined not less than ten dollars nor more than fifty dollars for each offense.

Subsection 2. Any person who attempts to hinder or obstruct the Department or any of it's agents or employees in the performance of their official duties, or who knowingly and wilfully violates any regulation of the Commissioner, or who refuses to pay the fee as provided in Section 10 of this Act, shall be guilty of a misdemeanor and shall be subject to a fine of not less than twenty-five dollars nor more than fifty dollars for each offense.

Subsection 3. Any person employed as a weighman at a stock yard who attempts to weigh any livestock without first obtaining the license provided for in Section 3 hereof shall be guilty of a misdemeanor and shall be subject to a fine of not less than ten nor more than fifty dollars for each offense.

Subsection 4. Any owner, lessee, employee, or operator of any stock yard who attempts by intimidation, force, bribery, or by any other means to influence any weighman to falsely report the weight of any animal shall be fined not less than one hundred dollars nor more than five hundred dollars.

Subsection 5. Any weighman who falsely and for the purpose of cheating or defrauding any person having livestock weighed, falsely reports the weight of such livestock shall be guilty of a misdemeanor and shall be fined not less than one hundred nor more than five hundred dollars and each such false report shall be considered a separate offense.

Subsection 6. Any weighman or stock yard violating any of the other provisions of this Act for which a penalty is not herein provided shall be guilty of a misdemeanor and

shall be subject to a fine of not less than ten nor more than fifty dollars.

16. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS Chapter 261, and thereafter be treated as an amendment and reenactment of KRS Chapter 261 rather than an amendment and reenactment of 1940, c. 9.

Said amendments as proposed by the Committee are as follows, viz.:

1. Amend H. B. 65 on page 5, section 10, line 6 after the word "be" strike the figure $50.00 and insert in lieu thereof $25.00.

2. Amend H. B. 65 on page 5, section 10, line 10 after the word "be" strike the figure $50.00 and insert in lieu therefor $25.00.

3. Amend H. B. 65 on page 5, section 10, line 19 after the word "be" strike the figure $50.00 and insert in lieu therefor $25.00.

4. Amend H. B. 65 on page 8 after section 16, add the following section:

17. Scales operated by farmers and located on farms which are used for the purpose of weighing livestock as an accomodation and for the use of which no charge is made shall not be subject to the provisions of this act, and the owners and operators of such scales shall not be required to pay the license fee as herein provided.

Said amendments were each and severally agreed to.

Mr. Howell moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

George P. Anderson	John S. Juett	L. Allen Rhoads
Henry Arrowood	W. A. Lamkin	Dr. J. J. Rice
Robert E. Barry	H. W. Linville	Dr. M. M. Robinson
W. T. Beard	A. L. Love	Byron H. Royster
Robert E. Beatty	William Lovett	Dr. K. N. Salyer
Douglas T. Bolling	H. McCartney	Carl Scheber
T. Fowler Combs	Cary McDevitt	Leon J. Shaikun
M. A. Cornett	Norris McPherson	Faust Y. Simpson
John Henry Cox	Ed. Marcum	Clyde Smith
Rev. W. W. Crouch	C. C. May	Otto Smither
Guthrie F. Crowe	D. J. Moore	Charles L. Spilman
Pink G. Curd	J. Lee Moore	R. C. Stephenson
Forest C. Easley	C. E. Montgomery	Thomas M. Swope
T. P. Fitzpatrick	F. E. Morancy	C. W. Taylor
Joseph J. Grace	E. R. Morlidge	Roy L. Taylor
Clyde S. Howard	C. Sid Nabb	J. Wood Vance
Jerry F. Howell	Robert Nicholas	S. J. Wagner
Chas. O. Humston	H. C. Patterson	Harry Walters
W. H. Hunt	B. W. Porter	Henry Ward
Crow Jarvis	Kleber F. Price	H. L. Waterfield
William L. Jones	James E. Quill	E. Reed Wilson

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Those who voted in the negative were—

C. W. Anderson, Jr.	Oris Cooper	Fuller Harding
Sherman E. Carter	Harry W. Ennis	E. R. Hilton
C. L. Clayton	John D. Fields	Hugh D. Lyon

Dr. Wm. C. Mann	Wade H. Riley	C. R. Walden	
L. D. Moore	Egbert Taylor	H. A. Ward	
Coy Nevitt	John L. Trumbo		—17

Resolved that the title thereof be as aforesaid.

Mr. Howell moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Beard of the Committee on Enrollment, reported that they had examined and found to be correctly enrolled, a bill entitled:

H. B. 5. An Act providing for special police during the national emergency.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled and thereupon the Speaker, in open session and in the presence of the House, affixed his signature thereto.

Ordered that the Enrolling Clerk of this House deliver said bill to the Senate.

After a time the Enrolling Clerk delivered the original and enrolled copies of said bill duly signed by the President of the Senate, into the possession of the Chief Clerk of this House.

Ordered that the Chief Clerk deliver said bill to the Governor.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Mr. Ward moved that the vote by which the clincher motion was applied to a bill entitled:

H. B. 104. An Act providing for civil service for policemen and firemen in cities of the fourth class.

Be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Ward moved that the vote by which said bill was passed, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Ward moved that the vote by which the Previous Question was ordered, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, Mr. Ward moved that the vote by which the amendment as offered by Mr. Howard, was agreed to, be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration, and without objection, said amendment was withdrawn.

Mr. Howard then offered the following amendment to said bill, viz.:

Amend H. B. 104 on page 3, section 3 lines 6 and 7 by striking out the following "shall be a qualified voter of the city in which appointed, and"

Said amendment was then agreed to.

Mr. Ward moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	W. H. Hunt	B. W. Porter
Henry Arrowood	Crow Jarvis	Kleber F. Price
Robert E. Barry	William L. Jones	James E. Quill
W. T. Beard	W. A. Lamkin	L. Allen Rhoads
Robert E. Beatty	H. W. Linville	Wade H. Riley
Douglas T. Bolling	A. L. Love	Dr. M. M. Robinson
C. L. Clayton,	William Lovett	Byron H. Royster
T. Fowler Combs	Hugh D. Lyon	Dr. K. N. Salyer
M. A. Cornett	Norris McPherson	Carl Scheben
John Henry Cox	Dr. Wm. C. Mann	Leon J. Shaikun
Rev. W. W. Crouch	Ed. Marcum	Faust Y. Simpson
Pink G. Curd	C. C. May	Clyde Smith
Forest C. Easley	J. Milton Mefford	Charles L. Spilman
Harry W. Ennis	D. J. Moore	James D. Stacey
John D. Fields	J. Lee Moore	J. Claude Stacy
T. P. Fitzpatrick	L. D. Moore	R. C. Stephenson
W. W. Freeman	C. E. Montgomery	Thomas M. Swope
Joseph J. Grace	F. E. Morancy	C. W. Taylor
A. G. Hamilton, Jr.	E. R. Morlidge	Egbert Taylor
E. R. Hilton	C. Sid Nabb	Roy L. Taylor
Clyde S. Howard	Robert Nicholas	Rev. H. Tinsley
Chas. O. Humston	Paul Pelfrey	John L. Trumbo

Erna E. Tyra	C. R. Walden	H. L. Waterfield
J. Wood Vance	H. A. Ward	E. Reed Wilson
S. J. Wagner	Henry Ward	—74

Those who voted in the negative were—

Sherman E. Carter	Oris Cooper	Coy Nevitt

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Resolved that the title thereof be as aforesaid.

Mr. Ward moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Mr. Ward moved that the House do now recess until two o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of two o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Easley.

H. B. 152. An Act to amend Sec. 4081 Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 4081 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

(1) If the lines or route of a domestic or foreign railway company, gas company, water company, ferry company,

bridge company, street railway company, express company, electric light company, electric power company, telephone company, telegraph company, press dispatch company, bus line company, common carrier trucking company, air transport company, palace car company, dining car company, sleeping car company, chair car company, tank car company, coal car company, pipe line company, or other like company or business performing any public service, extend beyond the limits of the state, that proportion of the value of the capital stock which the length of the lines or route operated, owned, leased or controlled in this state bears to the total length of the lines or route operated, owned, leased or controlled in this state and elsewhere shall be considered in fixing the value of the corporate franchise of such corporation liable for taxation in this state.

(2) The corporate franchise shall be liable to taxation in each county, city or district through or into which such lines or route pass or are operated, in the same proportion that the length of the lines or route in such county, city or district bears to the whole length of lines or routes in this state.

(3) If any such domestic corporation has all of its lines or routes outside of this state, the Department of Revenue shall fix the value of its entire capital stock as hereinbefore provided, and apportion to this state for taxation therein the proper proportion and not less than one percent of its capital stock. The amount so apportioned shall be the value of its intangible property, including its corporate franchise, stocks, bonds, securities and choses in action subject to taxation in this state and in the county, city and district where its principal place of business in this state is located.

Section 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, subsection (1) of section 1 of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (3) of KRS 136.160; subsections (2) and (3) of

section 1 of this Act shall be substituted in place of subsections (1) and (2) of KRS 136.170; and this Act shall thereafter be treated as an amendment to KRS 136.160 and 136.170 rather than an amendment to § 4081 of Carroll's Statutes.

By Mr. Brooks.

H. B. 153. An Act to repeal Chapter 2 of the Acts of the First Extraordinary Session of the 1938 General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That Chapter 2 of the Acts of the First Extraordinary Session of the 1938 General Assembly, be and the same is hereby repealed.

Section 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 7.010 to 7.080 of the Kentucky Revised Statutes, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Scheben.

H. B. 154. An Act relating to education.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That each board of education of the Commonwealth of Kentucky shall make provision in the curriculum offered in the public schools under its jurisdiction for "the teaching of our democratic form of government."

By Mr. Harding.

H. B. 155. An Act relating to payment of witnesses for the Commonwealth in felony cases.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 368 of Carroll's Kentucky Statutes, 1936 Edition, is amended to read as follows:

"A Commonwealth's witness in a felony case who resides in another state shall be allowed his necessary expenses in addition to the per diem, but no such allowance shall be made unless the judge of the court has made an order based upon the personal knowledge of the circuit judge or upon information showing that the testimony of the witness is material to the state, requiring the attendance of the witness. The expense and per diem shall be allowed by the circuit court and certified to the Department of Finance for payment."

Section 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in the place of KRS 421.030, and thereafter be treated as an amendment to KRS 421.030 rather than an amendment to section 368 of Carroll's Statutes.

By Mr. Wilson.

H. B. 156. An Act relating to revenue and taxation providing for the exemption of alcohol and distilled spirits for the national defense and industrial purposes from the import and production taxes imposed by sections 4214a-13 and 4214a-17, respectively, of Baldwin's 1936 edition of Carroll's Kentucky Statutes, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Alcohol or distilled spirits manufactured in or imported into the Commonwealth of Kentucky upon the

order of or at the direction of the War Production Board or any other agency created under any national defense act shall, during the period of the unlimited national emergency proclaimed by the President of the United States on May 27, 1941 (F. R. Doc. 21-3808; filed May 28, 1941; 9:45 a. m.), be exempt from the manufacturing and import taxes imposed by sections 4214a-13 and 4214a-17 of Baldwin's 1936 edition of Carroll's Kentucky Statutes, subject to such regulations as the Department of Revenue may prescribe.

Section 2. Alcohol or distilled spirits manufactured in or imported into the Commonwealth of Kentucky for industrial purposes as distinguished from beverage purposes, and under circumstances such as to render the same free from the payment of internal revenue taxes under the laws of the United States, shall be exempt from the manufacturing and import taxes imposed by sections 4214a-13 and 4214a-17 of Baldwin's 1936 edition of Carroll's Kentucky Statutes, subject to such regulations as the Department of Revenue may prescribe.

Section 3. In view of the fact that the United States is now at war and there is an urgent need that the production facilities for the manufacture of alcohol and distilled spirits in the Commonwealth of Kentucky be devoted to the production of materials instant to the prosecution of the war and other defense needs at the earliest possible moment, an emergency is hereby declared to exist and this Act shall become effective on and after its passage and approval by the Governor.

Section 4. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the numbers "subsections (1) and (2) (a) of KRS 243.680" shall be substituted for "sections 4214a-13 and 4214a-17 of Baldwin's 1936 edition of Carroll's Kentucky Statutes" in sections 1 and 2 of this Act.

By Mr. George P. Anderson.

H. B. 157. An Act relating to motor vehicles and amending sections 2739g-2c (2) (Chapter 66, sections 1 and 2, Acts of 1936), 2739g-3, 2739g-10, 2739g-11, 2739g-63, and subsection (a) of section 2739g-1 of Carroll's Kentucky Statutes, 1936 edition:

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1.—That subsection (a) of section 2739g-1 of Carroll's Kentucky Statutes, 1936 edition, be amended to read as follows:

"Department" as used in this act shall mean the Department of Revenue.

"Vehicle" as used in this act includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, excepting road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five miles beyond the city limit of any municipality. The word "automobile" includes all vehicles as defined above which are propelled otherwise than by muscular power.

Section 2.—Section 2739g-2c (2) of Carroll's Kentucky Statutes, 1936 edition (Chapter 66, sections 1 and 2, Acts of 1936), be amended to read as follows:

Automobiles primarily designed for carrying passengers and having provisions for not more than nine (9) passengers,

including the operator, shall be classed as a passenger automobile, and the annual registration fee for the same shall be four dollars and fifty cents ($4.50), and the county clerk who issues said registration receipt shall receive the fee now allowed by law.

The registration fee for each motorcycle shall be two dollars ($2.00) per year and for each side car attached thereto, one dollar ($1.00) per year.

Section 3.—Section 2739g-3 of Carroll's Kentucky Statutes, 1936 edition, be amended to read as follows:

If a person owns an automobile which has interchangeable bodies for same so that at one time the automobile may be classed as a passenger automobile and at another time as a truck, has registered same as a passenger automobile, he shall, before using it as a truck, pay the registration fee required for trucks in section 2739g-2d of Baldwin's 1940 Supplement to Carroll's Kentucky Statutes, Chapter 112, section 1, Acts of 1940. In such case the owner shall be allowed credit for the unearned portion of the passenger registration fee on the truck registration fee.

A passenger automobile shall be construed to have been converted into a truck when the change is such as to enable same to be used as a commercial vehicle.

Section 4.—That section 2739g-10 of Carroll's Kentucky Statutes, 1936 edition, be amended to read as follows:

Upon filing application and paying the fee as provided by law, said owner shall be given a receipt containing the registration number and the information included in the application and two plates for the registration year 1942 bearing said number and only one plate, except as provided in this act, for registration years thereafter. If, however, the Department finds that there is a shortage of materials suitable for making plates or that a substantial saving will result, it may require by regulation with the approval of the

Governor that plates issued in 1942 or thereafter shall continue to be used for a designated subsequent period.

For services performed, the owner shall pay the county clerk the sum of fifty cents (50c) for each registration in addition to the registration fee.

Section 5.—That section 2739g-11 of Carroll's Kentucky Statutes, 1936 edition, be amended to read as follows:

The owner shall have the receipt issued by the Department through the clerk constantly in his possession, and he shall display the plates issued to him for the year 1942 conspicuously upon the front and the rear of said automobile, and shall continue to so display such 1942 plates for so long as the Department shall prescribe as provided in section four (4) hereof. The plate for the year 1943 or subsequent years shall be attached conspicuously upon the rear of the automobile. Plates shall be kept legible at all times and the rear plate shall be illuminated when being operated during the hours designated in section 2739g-23 of Carroll's Kentucky Statutes, 1936 edition. If the Department prescribes, as provided in section four (4), that plates issued in 1942 or years subsequent thereto shall continue in use, it shall each year, in addition to the registration receipt, select and give to the owner as further evidence of registration some insignia which may conveniently be attached permanently and conspicuously to the automobile during each registration year. It shall be the duty of the owner to attach same in the prescribed manner and no person may operate an automobile unless such insignia is so affixed upon it. The Department shall have placed on said insignia either figures, letters, writing, marks, or a combination thereof, which indicate that the automobile has been registered and which in conjunction with the records of the Department make identity of the registrant readily ascertainable.

The registration plates for any year shall be displayed until December 31 of that year, it being the legislative intent

that the registration year shall be from January 1 to December 31, but may be displayed on any automobile, by the person owning the same on December 31, until midnight the first day of March of the year following that for which they were issued except as provided by this act, nor shall registration plates of the succeeding year be displayed before December 29 of said year.

Section 6.—That section 2739g-63 of Carroll's Kentucky Statutes, 1936 edition, be amended to read as follows:

It shall be the duty of the Department to carry out the provisions of this act, and in so doing shall:

(a) Prepare and furnish to the clerk in each county a sufficient supply of all forms and blanks provided for in this act, provided that the form for receipt shall be designated for the writing of not less than triplicate copies, the originals of which, except those to be used for duplicates of lost receipts, shall be numbered consecutively for each county; the second and third copies bearing the same number as the original; and the colors of all copies shall be different and the combination of colors shall not be the same for consecutive years.

(b) Keep a numerical record of all registration numbers issued in the state for which they may use the second copy of receipts forwarded by the clerk of each county, and also keep a record of motor numbers required by section 2739g-8 of Carroll's Kentucky Statutes, 1936 edition.

(c) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times a sufficient supply of plates and other insignia evidencing registration for all classes of vehicles required to be registered. The Department shall prescribe a plate of practical form and size for police identification purposes which shall contain only the registration number, the word "Kentucky" or the abbreviation thereof, "Ky.," and the name of the county in which the plate is issued or in lieu thereof the words "official," "highway," "executive," or "farm"; provided,

however, the year for which the license is issued shall be upon the plate if the year is not evidenced as otherwise provided in this act.

(d) Annually estimate the quantity of plates, insignia, and other forms necessary for the succeeding year for each county in the state and said estimated quantity shall be delivered to the clerk in each county not later than December 1.

(e) Receive all moneys forwarded by the clerk in each county and turn same over to the State Treasurer for the benefit of the state road fund; and out of this fund there shall be appropriated to the department administering this act an amount to be expended in the manner provided by law for the administration of its functions.

(f) Shall require an accounting by the clerk in each county for all moneys received by him under the provisions of this act, after the deduction of his fees under this act, and for all receipts, forms, plates and insignia consigned to him.

(g) When applied for under section 2739g-8 of Carroll's Kentucky Statutes, 1936 edition, motor numbers assigned shall be distinctive to show that they were designated by the Department.

Section 7.—If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section two of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

The annual registration fee for motor vehicles primarily designed for carrying passengers and having provisions for not more than nine passengers, including the operator, shall be $4.50.

The provision so substituted by this section shall thereafter be treated as an amendment to subsection (1) of KRS 186.050 rather than an amendment to section 2739g-2c (2) of

Carroll's Statutes, and subsection (2) of KRS 186.050 shall remain in full force and effect and shall not be treated as affected by this Act.

Section 8.—If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section three of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 186.110, and shall thereafter be treated as an amendment to KRS 186.110 rather than an amendment to section 2739g-3 of Carroll's Statutes, and the number "KRS 186.050" shall be substituted for "section 2739g-2d of Baldwin's 1940 Supplement to Carroll's Kentucky Statutes, Chapter 112, section one, Acts of 1940" in section three of this Act.

Section 9.—If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section four of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 186.040, and thereafter be treated as an amendment to KRS 186.040 rather than an amendment to § 2739g-10 of Carroll's Statutes.

Section 10.—If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section five of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 186.170, and shall thereafter be treated as an amendment to KRS 186.170 rather than an amendment to § 2739g-11 of Carroll's Statutes, and the number "KRS 189.030" shall be substituted for "section 2739g-23 of Carroll's Kentucky Statutes, 1936 edition" in section five of this Act.

Section 11.—If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section six of this Act shall be treated as repealing subsection (7) of KRS 186.230, KRS 186.240, and subsection (3) of KRS 47.010, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes, and the number "KRS

186.160'' shall be substituted for ''section 2739g-8 of Carroll's Kentucky Statutes, 1936 edition,'' in paragraphs (b) and (g) of section five of this Act.

Section 12.—If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (1) of KRS 186.010, and subsections (1) and (12) of KRS 189.010, and thereafter be treated as an amendment to subsection (1) of KRS 186.010, and subsection (1) and (12) of KRS 189.010, rather than an amendment to subsection (a) of § 2739g-1 of Carroll's Statutes.

By Mr. Waterfield.

H. B. 158. An Act to provide that ninety per cent (90%) of the Kentucky excise tax paid on refund gasoline, as defined in this Act, be refunded to the purchaser who uses the gasoline in a tractor or stationary engine for agricultural purposes; to provide for the disposition of the remaining ten per cent (10%) of such taxes; to provide for the administration of this Act; and to provide punishments for its violation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. *DEFINITIONS.* The term ''refund gasoline'' as used in this Act, shall mean gasoline, as defined in Section 4281g-1 of Carroll's Kentucky Statutes, 1936 edition, used or to be used in a tractor or stationary engine operated for agricultural purposes. The word ''Department'' shall mean the Department of Revenue. The word ''Commissioner'' shall mean the Commissioner of Revenue. The word ''person'' shall be construed to include, in addition to an individual, any partnership, fiduciary, association, or corporation. The term ''fiscal year'' shall mean the period of twelve (12)

months, beginning on the first day of July of each calendar year, and ending on the thirtieth day of the following June.

2. *REFUNDS AUTHORIZED.* Any person who shall buy gasoline for use in a farm tractor or stationary engine on a farm, who has actually used such gasoline for agricultural purposes and who has paid the excise tax thereon imposed by law of this Commonwealth, shall be considered to use refund gasoline, and, subject to the conditions hereinafter prescribed, shall be repaid ninety per cent (90%) of such tax; provided, that no part of such refund gasoline has been used for any other purpose than hereinabove provided, it being understood, however, that the use of refund gasoline in the operation of a farm tractor upon the highways from one field of operation to another shall not be construed to be an improper use of such gasoline; and provided further, that no such tax shall be paid on refund gasoline purchased in quantities of less than ten (10) gallons at any one time.

3. *SELLER'S PERMIT.* No seller of refund gasoline shall execute a certificate of purchase, as hereinafter described in Section 7 of this Act, without having first secured a Seller's Permit, as provided in this section. Any seller of gasoline desiring to be qualified to execute such certificates of purchase, shall make application for a Seller's Permit to the Department. Such application shall be accompanied by a filing fee of one dollar ($1.00) and shall be made in a manner and contain such information as may be required by the Department. Such fee shall be transmitted to the State Treasurer by the Department, and there credited to a separate account which shall be designated "Gasoline Tax Refund Expense Account," for which provision is hereinafter made in Section 17 of this Act, provided, however, such fee shall be refunded to the applicant if the requested permit is not issued. Such permit shall be conditioned upon the faithful performance of the provisions of this Act with reference to the sale of refund gasoline. Upon receipt of

such application, and a bond, if required, as hereinafter provided in Section 5 of this Act, the Department shall, after such investigation as it deems necessary, issue a permit privileging the applicant and such of his agents as may be duly authorized so to do in accordance with the provisions hereinafter prescribed, to execute certificates with respect to the sale of refund gasoline, as hereinafter provided. Each such permit shall be given a serial number by the Department, and shall expire with the fiscal year for which it is issued. No person shall be repaid excise taxes on any refund gasoline purchased from any person not having a Seller's Permit, as required by this Section.

4. *PURCHASER'S PERMIT.* Before any person shall be entitled to make claim for a refund of excise tax under this Act, he shall hold a Purchaser's Permit issued by the Department. Application for a Purchaser's Permit shall be made in accordance with the Department's requirements on a form to be furnished by it, and shall contain a description of each stationary engine or tractor in which the refund gasoline is to be used, including the make, motor number, model, horsepower, the approximate per hour fuel consumption of the stationary engine or tractor in which refund gasoline is to be used, and such other information as the Department may require. The application shall also contain a statement of the applicant's estimate of the amount of refund gasoline he will use each month during the remainder of the fiscal year to be covered by such permit, together with a statement of the basis of such estimate, and the address of the applicant, and shall be signed and duly verified before a Notary Public or any other officer duly authorized to administer oaths in the county of the applicant's farm or residence. The application shall be accompanied by a filing fee of one dollar ($1.00). Such fee shall be transmitted to the State Treasurer by the Department of Revenue, and there credited to a separate account which shall be designated "Gasoline Tax Refund Expense Account," for

which provision is hereinafter made in Section 17 of this Act, provided, however, such fee shall be refunded to the applicant if the requested permit is not issued. If the Department, after such investigation as it deems necessary, shall be satisfied that the application for a Purchaser's Permit has been made in good faith and that applicant has complied with the requirements of this Act, it shall issue a Purchaser's Permit to the applicant, privileging him to make application, in accordance with the requirements of this Act, for refund of excise taxes. Each such permit shall expire with the fiscal year for which it is issued, except that such expiration shall not prevent the filing of claim for refund, on refund gasoline used during the fiscal year or lesser period for which the permit was issued and effective, as provided in this Act. The Department shall have authority, upon the basis of the date submitted with the application and such additional information as it may require or by investigation secure, to ascertain and fix the maximum number of gallons of gasoline on which such person may claim a refund during the the period covered by the permit. The maximum number of gallons so fixed by the Department shall be stated in the permit, but such maximum may be subsequently changed by an amended permit issued as hereinafter provided.

5. *RULES AFFECTING BOTH A SELLER'S PERMIT AND A PURCHASER'S PERMIT.* The same person shall not be permitted, either directly or indirectly, to hold both a Seller's Permit and a Purchaser's Permit. The Department may if the applicant has violated any provision of this Act or regulation pursuant thereto; or has been convicted of bribery, theft, or false swearing within the period of five (5) years preceding the application; or if the Department has evidence of the applicant's financial irresponsibility; require the applicant to execute a corporate surety bond of one thousand dollars ($1,000) to be approved by the Department, conditioned upon the payment of all taxes, penalties, and fines for which such applicant may become liable under

this Act. Each Purchaser's Permit and each Seller's Permit shall bear a serial number and shall state the name and address of the person to whom it is issued, and any agents of said principal who may sign certificates of purchases.

The holder of any permit issued under this Act shall, whenever there is a change in the facts stated in the application for such permit, promptly notify the Department of such change and the Department may thereupon issue to the holder an amended permit; or, if in its judgment the facts constitute just cause therefor, suspend or revoke such permit, as is provided in Section 14 hereof.

6. *FORMS TO BE SUPPLIED BY DEPARTMENT.* Upon the issuance of the Purchaser's Permit, in accordance with the provisions of Section 4 hereof, the Department shall furnish to the applicant four (4) refund application forms in duplicate and a supply of certificate of purchase forms, upon each of which the department shall cause to be placed the serial number appearing upon the applicant's permit. Each certificate of purchase form shall contain blank space for listing the kind and number of gallons of refund gasoline purchased; a statement that the same will be used exclusively by the purchaser; the purpose for which it is to be used; that no part thereof will be sold or permitted to be sold; used or permitted to be used as fuel in other than a stationary engine or tractor used for agricultural purposes; the name and address of the person selling the refund gasoline; the date of the last purchase of such gasoline; the quantity purchased; and such other information as the Department may require.

Each refund application form shall contain blanks for listing the name and address of the applicant; the kind and number of gallons of refund gasoline purchased; the amount of excise taxes paid thereon by the applicant; the name and address of the person or persons from whom it was purchased; and a statement that all of said refund gasoline has been exclusively used by the purchaser and that no part

thereof has been sold by the applicant or used in any way other than in a stationary engine or tractor operated for agricultural purposes. Said refund application form shall also contain blank spaces for describing the use made of such refund gasoline in such details as the Department may prescribe, and such other information as required by the Department, including, among other things, the name and post office address of the county attorney of the county in which the applicant lives or has his principal place of business in this State, with a true statement that a duplicate copy of the application for refund has been delivered or properly mailed to said county attorney.

The Department may print and require the use of such other forms as it may deem necessary in the administration of this Act.

7. *CERTIFICATES OF PURCHASE.* The person to whom a purchaser's permit has been issued and who proposes to purchase refund gasoline, shall fill in an original and a duplicate certificate of purachase, and shall sign the original and duplicate at the time of each purchase. The seller of such gasoline shall likewise sign said original and duplicate certificate at the time of the sale, and he shall certify that the amount of gasoline stated therein has been, on the date stated in the certificate, sold and delivered by him to the purchaser whose name appears in said certificate. Neither the original nor the duplicate of said certificate shall be signed by the seller or by the purchaser until each copy of the certificate has been fully filled in, nor until after the amount of gasoline stated therein as being purchased shall have been sold and delivered to the purchaser; provided, however, that an agent for the seller, or an agent for the purchaser, may execute such certificates of purchase in the name of his respective principal, if such agent also sign his own name thereon and shall have been duly authorized by the principal in writing, and recognized by the Department as evidenced on the permit or an amendment thereto.

8. *REFUND APPLICATIONS.* All applications for refund of excise taxes on refund gasoline under the provisions of this Act, shall be filed with the Department on properly executed forms issued by it to the applicant. Except as provided in the next paragraph of this Section, such applications may be filed with the Department only within thirty (30) days after the first day of July, October, January, and April, and each such application shall cover only the refund gasoline used by the applicant during the three (3) calendar months immediately preceding the calendar month in which such application is filed.

Each such application shall be accompanied by the original certificate of purchase executed in accordance with this Act, covering the refund gasoline, as to which claim for refund is made; provided, that if all refund gasoline purchased as indicated on one certificate of sale is not used during any three (3) months period, the applicant shall not make claim for refund on such fuel until the end of the next period, at which time the applicant shall claim such refund as may be due thereon and no further refund on such certificate of sale may be claimed or allowed. The application shall be verified before a Notary Public or any other officer duly authorized to administer oaths.

9. *AUDITS AND INVESTIGATION OF REFUNDS.* The Department is hereby authorized and directed to audit the claims for refund together with the supporting papers as they are filed, and in its discretion, may permit the refund application and the accompanying certificates of purchase to be amended so as to correct unintentional errors.

If, in the opinion of the Department, there appears to be any erasure in a certificate of purchase filed in support of any refund application, or if for any reason the Department doubts the accuracy of the facts set forth in any such application, it shall conduct such investigation as it may deem necessary to determine the true facts and may refer for in-

vestigation the matter to the county attorney of the county in which the applicant resides or has a principal place of business or operates a farm in this State; whereupon the county attorney shall make an investigation and report his finding to the Department within sixty (60) days.

If the Department decides that the application or applications filed by an applicant contain a false statement; or that the person claiming the refund has not paid the excise tax for which refund is claimed; or has used or permitted any of the refund gasoline covered by the application to be used in any method other than in a stationary engine or tractor for agricultural purposes; or has knowingly or otherwise allowed anyone else to use the refund gasoline or any part thereof covered by said application, it shall reject said claim for refund and notify the claimant thereof. Provided, however, that if the Department finds that the applicant is indebted to the Commonwealth on account of any tax refund which has been erroneously paid to the applicant under this Act; or is indebted to the Commonwealth for any delinquent tax liability, it shall decline to approve the claim for refund until the applicant has complied with the law and thus removed the delinquency, whereupon he shall be paid his claim for refund of gasoline taxes in the manner prescribed in this Act if the Department finds that he is justly entitled thereto.

10. *REFUNDS TO BE MADE.* When the Department finds that any refund application has been properly executed and that the applicant has complied with the requirements of this Act, it shall promply approve such application, and credit the amount of excise tax which should be paid thereunder to the applicant, and said approved claim for refund shall be without interest, as other claims on the State Treasury are paid, from funds allocated by Section 4281g-3 of Kentucky Statutes, for the purpose of the construction, reconstruction, maintenance and repair of roads, highways, and bridges; provided, however, that the total amount of

refund gasoline covered by any claimant's application during the period covered by the permit, shall not exceed the maximum amount stated in the original or amended permit issued to the applicant; and provided further, that the amount due to any claimant for any three (3) months may be consolidated with the succeeding three (3) months and paid as one claim if the payment of an approved claim shall not be delayed more than four (4) months.

11. *RECORDS.* Each seller of refund gasoline to whom a seller's permit has been issued under this Act, shall, in accordance with the Department's requirements, keep at his principal place of business in this State a complete record of all such gasoline sold by him under certificates of purchase provided for in this Act, and shall give the date of each such sale, the amount of refund gasoline sold, the name of the person to whom sold, and the sale price.

Every person to whom a purchaser's permit has been issued under this Act, shall, in accordance with the Department's requirements, keep at his residence or principal place of business in this State a strict account showing as to each purchase of refund gasoline the amount of such gasoline purchased, the name of the seller, the date of purchase, and a statement of the use made of such gasoline, in such detail as the Department may reasonably require.

The records required to be kept by the sellers and purchasers of refund gasoline shall, at all reasonable hours be subject to inspection by the Department or by any person duly authorized by it therefor, and by the county attorney of the county in which such books and records are herein required to be kept. Such records shall be preserved and shall not be destroyed until one (1) year after the end of the fiscal year during which the refund gasoline to which they relate was sold and purchased.

12. *CLAIMS NOT ASSIGNABLE.* No permit issued under this Act, and no claim for refund under this Act shall

be transferred or assigned. Except as expressly permitted by this Act, no person to whom a form for a certificate of purchase, or for an application for refund has been issued shall permit the same, whether or not it is filled in, to be or remain in the possession of any other person and no seller shall have or keep in his possession any such forms.

13. *STORAGE OF REFUND GASOLINE.* Every person to whom a purchaser's permit has been issued shall make provision, in accordance with the Department's requirements, for the storage of refund gasoline, so as to segregate the same from motor fuels other than refund gasoline, and shall take all precautions that may be presecribed by the Department to prevent such refund gasoline being used by the applicant or anyone else except as provided in this Act.

14. *SUSPENSION; REVOCATION; CRIMINAL PENALTIES.* (a) It shall be unlawful for any person to make a false or fraudulent statement in an application for a permit, or in a cerificate of purchase, or in an application for a refund of any taxes under this Act; or to fraudulently obtain a refund of such taxes; or to knowingly aid or assist in making any such false or fraudulent statement or claim; or who, having bought refund gasoline under the provisions of this Act, to use or permit such gasoline or any part thereof to be used for any purpose other than in a stationary engine or tractor for agricultural purposes; or to sell or give refund gasoline to another for his own use; or, if he be not the original purchaser, to use for his own purposes any such gasoline which he knows or has reasonable grounds for believing has been purchased under the provisions of this Act.

(b) The purchaser's permit or the seller's permit of any person who shall violate any provision of paragraph (a) of this section shall be revoked by the Department and may not be reissued until two (2) years shall have elapsed from the date of such revocation, and such person, whether or not his permit has been revoked by the Department, shall be

guilty of a misdemeanor and upon conviction thereof, shall be fined not less than one hundred dollars ($100) nor more than five hundred dollars ($500) or imprisoned not exceeding one (1) year, or both, in the discretion of the court.

(c) The Purchaser's permit or the seller's permit of any person who shall violate any provision of this Act, other than those contained in paragraph (a) of this section, may be suspended by the Department for any period in its discretion not exceeding six (6) months.

(d) Any person who shall knowingly violate any provision of this act, other than those contained in paragraph (a) of this section, to which his attention has been expressly called by the Department, or its agents, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars ($10) nor more than one hundred dollars ($100).

The suspension or revocation of a permit as herein provided shall become effective fifteen (15) days after the date of notice sent the holder thereof at the address shown on his application, unless he shall have been granted a hearing, as provided in the next succeeding section.

15. *APPEALS.* Any person who shall deem himself aggrieved by any action of the Department under this Act may within fifteen (15) days from the date of notice thereof, in the manner prescribed and subject to the conditions stated in Sections 5 and 5a, Chapter 4 of the Acts of the First Extra Session of the 1938 General Assembly (sections 4114h-5 and 4114h-6 of Carroll's Kentucky Statutes, October 1938 Supplement, petition the Department for a review of such action by the Kentucky Tax Commission. Review may be obtained, and appeals to the Franklin Circuit Court, in accordance with the terms and subject to the conditions prescribed in such sections, may be taken from any final decision upon such petition for review.

16. *ERRONEOUS REFUNDS.* If for any reason there shall under the provisions of this Act, be erroneously refunded to any person any excise taxes on gasoline, the Department shall advise the payee by mail of the erroneous refund, and if the payee shall fail within fifteen (15) days thereafter to reimburse the Commonwealth, the amount so refunded, plus twenty per cent (20%) may be recovered in an action instituted, as provided by law, by the Department in the Circuit Court of the county in which such person resides or has his principal place of business in this State. If any such refunds have been made to such person as a result of his false statement or fraudulent action, he shall be liable for the full amount received, plus one hundred per cent (100%) thereof as a penalty which may be collected, plus twenty per cent (20%) of the total thereof, as provided above in this section.

If any seller of gasoline or his agent shall sign a certificate of purchase, knowing or having reason to know that said gasoline is to be used for any purpose other than in a stationary engine or tractor for agricultural purposes, or in any other manner in violation of this Act, he shall become indebted to the Commonwealth for double the amount of excise taxes imposed thereon by law, which may be recovered by an action instituted by the Department, as provided in the preceding portion of this section, and for which such seller's bond, if required, shall be surety.

All revenues and taxes and the one hundred per cent (100%) penalty thereon, recovered as provided in this section, shall be deposited with the State Treasurer and credited to the Highway Fund. Three-fourths (¾) of the twenty (20%) collection penalty provided in this section shall be deposited with the State Treasurer and credited to the Delinquent Tax Fund, and the remaining one-fourth (¼) shall be so deposited and credited to the General Expenditure Fund.

17. *PROVISION FOR ADMINISTRATION.* The Department is hereby authorized to employ such additional persons, in accordance with the provisions of section 4618-90 of Carroll's Kentucky Statutes, 1936 edition, and incur travel, rental, and other current and capital expenses necessary to properly accomplish the purposes of this Act and to protect the gasoline tax revenues of the Commonwealth.

There is hereby established as "Gasoline Tax Refund Expense Account," from which the expenses of the Department equal to the cost of administering this Act, except litigation in the recovery of erroneous refunds, shall be paid. There shall be credited to this account the following:

1. The receipts from the fees which shall accompany the filing of application for seller's permit and purchaser's permit.

2. All fines and penalties, except those provided in Section 16 hereof, recovered and payable to the State under or on account of violations of this Act.

3. At the end of each quarterly period of each fiscal year, ten per cent (10%) of all excise taxes on refund gasoline covered by refund claims which have been approved by the Department during such quarter.

The Department may apportion expenses to this fund on the basis of a cost accounting distribution approved by the Department of Finance. As of the first day of July each year funds then remaining in said special account, except such amount as the Department shall determine to be reasonably necessary to defray the expenses of the administration of this Act during the first quarter of the succeeding fiscal year, shall be transferred therefrom to the General Fund in an amount equal to the amount which the obligations of the Department apportioned to the said special fund may have been less during the fiscal year than the amount paid or to be paid from it; and the remainder shall be transferred there-

from to the Highway Fund for the purpose of the construction, reconstruction, maintenance, and repair of roads, highways, and bridges, as provided by section 4231g-3 of Kentucky Statutes. Should the Department spend more from said fund than is determined as properly apportionable to it, such excess shall be reimbursed to it from the appropriation to the Department for the next fiscal year subject to transfer, as hereinabove provided.

18. *EFFECTIVE DATE.* Whereas, the Governor of the Commonwealth of Kentucky has pledged the relief granted under the provision of this act to the farmers of the State, and,

Whereas, since that time a national emergency has been created making the affairs of the Highway Department more complicated than usual and,

Whereas, the Highway Department will need some time to adjust its financial affairs, and,

Whereas, it is the patriotic intention of the General Assembly to grant the farmers of Kentucky relief that they may be aided in the production of foodstuffs for America at war, this Act shall become effective January 1, 1943.

19. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the number "KRS 138.210" shall be substituted for "Section 4281g-1 of Carroll's Kentucky Statutes, 1936 edition," in section one of this Act.

20. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the number "KRS 47.010(2)" shall be substituted for "Section 4281g-3 of Kentucky Statutes" in Section two of this Act.

21. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the numbers "KRS 131.110 and 131.120" shall be substituted for "Section 5 and 5a, Chapter 4 of the Acts of the First Extra Session of the

1938 General Assembly (sections 4114h-5 and 4114h-6 of Carroll's Kentucky Statutes, October 1938 Supplement)" in section fifteen of this Act.

22. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the numbers "KRS 42.110 and 42.120" shall be substituted for "Section 4618-90 of Carroll's Kentucky Statutes, 1936 edition," and the number "KRS 47.010(3)" shall be substituted for "Section 4281g-3 of Kentucky Statutes" in section seventeen of this Act.

Mr. Mr. Rhoads.

H. B. 159. An Act relating to game and fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) No person shall take or have in his possession any wild birds except during the open season for a particular species. The open season for quail or bob white shall be November 15 to January 1, and for woodcock, November 24 to December 15. There shall be no open season for ruffed grouse, wild turkey, ring-necked pheasant and Hungarian partridge. No person shall take quail or woodcock except from sunrise to sunset.

(2) No person shall take, pursue, possess, transport, purchase or sell or attempt so to do, any migratory birds except as authorized by the Migratory Bird Treaty Act (40 Stat. 755) and regulations under it. No person over sixteen years of age shall hunt any wild ducks, geese or brant unless at the time, in addition to the appropriate state hunting license, he has on his person a valid migratory bird hunting stamp of current issue as required by the Migratory Bird Hunting Stamp Act (48 Stat. 451) as amended.

(3) Any person who violates any of the provisions of this section shall be fined not less than fifteen dollars nor more than five hundred dollars or imprisoned in the county jail for not more than six months, or both.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, subsections (1) and (2) of section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 150.330, and shall thereafter be treated as an amendment to KRS 150.330 rather than an amendment to 1940, c. 90, § 1, and subsection (3) of section one of this Act shall be substituted for subsection (6) of KRS 150.990.

By Mr. Rhoads.

H. B. 160. An Act relating to game and fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 7 of Chapter 88 of the Acts of 1940, and § 1954d-58 of Baldwin's 1938 Kentucky Statute Service are consolidated and amended to read as follows:

(1) No person shall take any wild animal protected by this chapter except during the open season for the particular species. No person shall have in his possession any wild animal or freshly skinned hide or fur thereof, unless it was taken during the open season for the particular species. The open season for mink, opossum, raccoon, skunk, rabbit and muskrat shall be November 24 to January 9; for squirrel August 15 to October 31. There shall be no open season for otter and beaver.

(2) Subsection (1) shall not apply to persons who hunt raccoon at night with dogs for sport and not to kill, and this exception in favor of sportsmen shall not extend to any one

engaged in the business of a fur dealer or trapper or professional hunter.

§ 2. Any person who violates any of the provisions of section one of this Act shall be fined not less than fifteen dollars nor more than one hundred dollars.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsections (1) and (2) of KRS 150.370, and thereafter be treated as an amendment to subsections (1) and (2) of KRS 150.370 rather than an amendment to 1940, c. 88, § 7, and § 1954d-58 of Baldwin's 1938 Kentucky Statute Service and Section (2) of this Act shall stand repealed, and subsection (2) of KRS 150.990 shall not be affected by this Act.

§ 4. § 1954d-62a of Baldwin's 1938 Kentucky Statute Service shall not apply to the taking of red or gray foxes.

§ 5. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, the number "subsection (1) of KRS 150.400" shall be substituted for "§ 1954d-62a of Baldwin's 1938 Kentucky Statutes Service" in Section (4) of this Act.

By Mr. Beard.

H. B. 161. An Act adopting and putting into effect daylight saving time throughout the Commonwealth of Kentucky by advancing standard time one hour to run contemporaneously and for a period of time provided by the Federal Daylight Saving Act, and declaring an emergency.

Whereas, the National Government has adopted daylight saving time in regard to interstate commerce and Federal offices, agencies and works throughout the United States, and,

Whereas, it is desirable to avoid confusion and conflict that this Commonwealth and its subdivisions and agencies in

its various transactions be in accord with the Federal Government in this matter.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the standard time as heretofore fixed and existing in the United States pursuant to Act of Congress and prior to the recent adoption of daylight saving time during the period of National emergency be advanced by one hour, which time so advanced shall apply to and govern all laws, regulations and rules relating to the time or performance of any Act by any officer or department of the Commonwealth, or of any county, city or subdivision or agency thereof, or relating to the time that any right shall accrue or determine, or within which any act shall or shall not be performed by any person subject to the jurisdiction of the Commonwealth, and in all the public schools and institutions of the Commonwealth and on the public works of the Commonwealth or any county, city or district thereof, or in all contracts or choses in action made or to be performed in the Commonwealth.

That said time adopted above shall continue so long as the Federal Government continues its adoption of the change of time and shall cease when the Federal Government abandons and discontinues the use of daylight saving time and reverts to standard time and so promulgates.

That there is present passing necessity of putting into effect this change of time to conform with the Federal Government and an emergency is now declared and this Act shall go into effect at midnight following its final passage and approval by the Governor.

By Mr. Cornett.

H. B. 162. An Act appropriating funds for Junior Dairy Shows.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. An appropriation of the sum of $5,000 annually out of the general fund is hereby made, to be paid to the State Fair Board. The said sum shall be used by the State Fair Board for the purpose of holding annual exhibits of dairy cattle among members of "Boys and Girls 4-H Clubs" and "Chapters of Future Farmers."

2. Such exhibits shall be held by districts, of which there shall be seven. The dates and locations of the above provided for exhibits shall be determined by a state central committee of six persons composed of: (1) a representative of the 4-H Club Department, (2) a member of the Dairy Department, each of the College of Agriculture and Home Economics, and (3) a member of the Department of Agricultural Education, all of the University of Kentucky, (4) a representative of the Kentucky Jersey Cattle Club, (5) a representative of the Kentucky Holstein Cattle Club, and (6) a representative of the Kentucky Guernsey Breeders Association. Each representative of the different dairy breed associations shall be elected by their respective breed associations. The first two representatives so provided for shall be designated by the Director of Extension of the College of Agriculture and Home Economics of the University of Kentucky, and the third shall be named by the Director of Vocational Education in Kentucky. It shall be the duty of this central committee to prepare rules and regulations under which these shows shall be held and in so far as is possible it shall apportion the funds above provided to the various shows in such a way that no more money shall be given per individual item exhibited at one district show than is awarded in another.

3. The counties constituting the various districts shall be as follows:

District No. I

McCracken, Ballard, Carlisle, Hickman, Fulton, Graves, Marshall, and Calloway.

District No. II

Livingston, Lyon, Trigg, Caldwell, Crittenden, Union, Henderson, Webster, Hopkins, Christian, Todd, Muhlenberg, Ohio, McLean, Daviess, and Hancock.

District No. III

Logan, Butler, Grayson, Hart, Edmonson, Warren, Simpson, Allen, Barren, Green, Metcalfe, Monroe, Cumberland, Adair, Russell, Clinton, and Wayne.

District No. IV

Breckinridge, Meade, Hardin, Larue, Nelson, Bullitt, Jefferson, Spencer, Shelby, Oldham, Henry, Trimble, and Carroll.

District No. V

Boone, Kenton, Campbell, Gallatin, Grant, Owen, Pendleton, Bracken, Robertson, Mason, Lewis, Greenup, Boyd, and Carter.

District No. VI

Harrison, Scott, Franklin, Anderson, Woodford, Fayette, Bourbon, Nicholas, Fleming, Rowan, Bath, Montgomery, Clark, Madison, Garrard, Jessamine, Mercer, Washington, Marion, Taylor, Casey, Pulaski, McCreary, Lincoln, and Boyle.

District No. VII

Elliott, Lawrence, Morgan, Menifee, Powell, Wolfe, Magoffin, Johnson, Martin, Pike, Floyd, Knott, Letcher, Perry, Breathitt, Rockcastle, Jackson, Owsley, Clay, Laurel, Leslie, Harlan, Bell, Knox, Whitley, Lee, and Estill.

4. The central committee shall, with the advice and approval of the Secretary of the State Fair Board, appoint a treasurer for each district, who shall be a banker in the district where the exhibit is held. The sum or sums allotted by the central committee for the particular district shall be paid by the State Fair Board to this treasurer. The treasurer so appointed shall, upon acceptance, be required to prepare and file a written report with the Secretary of the State Fair Board. This report shall show the amount of money received by him, how and to whom the premiums awarded at the district exhibit of his district have been expended, and it shall be accompanied by vouchers showing each item of expenditure. Any part of said sum unexpended during any year by the treasurer of any designated show, shall be refunded to the Secretary of the State Fair Board, who shall refund said sum to the treasurer of Kentucky. From this report the Secretary of the State Fair Board shall file an annual report with the State Auditor and shall submit with it the vouchers and report of the treasurer as herein provided.

By Mr. Love.

H. B. 163. An Act to repeal section 4356za-14 of Carroll's Kentucky Statutes, 1936 edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Section 4356za-14 of Carroll's Kentucky Statutes, 1936 edition, is hereby repealed.

Section 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 280.050, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. McPherson.

H. B. 164. An Act to amend Section 160 of the Constitution of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Upon the concurrence of three-fifths of all members elected to each house, the "ayes" and "nays" being taken thereon, and entered in full in their respective journals, Section 160 of the Constitution shall be amended to read as follows:

The mayor or chief executive, police judges, members of legislative boards or councils of towns and cities shall be elected by the qualified voters thereof: Provided, the mayor or chief executive and police judges of the towns of the fourth, fifth and sixth classes may be appointed or elected as provided by law. The terms of office of mayors or chief executives and police judges shall be four years, and until their successors shall be qualified; and of members of legislative boards two years. When any city of the first or second class is divided into wards or districts, members of the legislative boards shall be elected from the wards or districts by the qualified voters of the wards or districts and an equal proportion of such members shall reside in each of the said wards or districts; but when in any city of the second or third class, there are two legislative boards, the less numerous shall be selected from and elected by the voters at large of said city; but other officers of towns or cities shall be elected by the qualified voters therein, or appointed by the local authorities thereof, as the general assembly may, by a general law, provide; but when elected by the voters of a town or city, their terms of office shall be for four years, and until their successors shall be qualified.

No mayor or chief executive or fiscal officer of any city

of the first or second class, after the expiration of the term of office to which he has been elected under this Constitution, shall be eligible for the succeeding term. "Fiscal officer" shall not include an auditor or assessor, or any other officer whose chief duty is not the collection or holding of public moneys. The general assembly shall prescribe the qualifications of all officers of towns and cities, the manner and causes for which they may be removed from office, and how vacancies in such offices may be filled.

By Mr. Hilton.

H. Res. 29. A Joint Resolution authorizing Roscoe Caudill to sue the Commonwealth of Kentucky:

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT Roscoe Caudill is/are authorized to sue the Commonwealth of Kentucky in Boyd Circuit Court for damages resulting from personal injury and property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $337.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by

either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

By Mr. Bolling.

H. Res. 30. A Joint Resolution ratifying and approving the interstate compact to conserve oil and gas as herein set out, authorizing the Governor of this State to execute an agreement to enable this State to become a member thereof, prescribing the form of the agreement, designating the Governor of this State as the authorized representative upon the interstate oil compact commission, authorizing and enabling him to appoint an assistant representative, prescribing procedure for the withdrawal from the compact, and declaring an emergency.

Said resolution is as follows, viz:

WHEREAS on the 16th day of February, 1935, the States of Colorado, Illinois, Kansas, New Mexico, Oklahoma and Texas entered into an interstate agreement known as the Interstate Compact to Conserve Oil and Gas, which agreement signed by the proper officials of these States is now on deposit with the Department of State of The United States in Washington, D. C., said agreement, unless extended, terminating on September 1, 1937;

AND WHEREAS by agreements duly entered into by said States pursuant to legislative authority said Compact has been extended from time to time and is now in full force and effect.

AND WHEREAS said Interstate Compact to Conserve Oil and Gas provides as follows: "Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarly deposited, certified and ratified."

AND WHEREAS it is deemed advisable that the Commonwealth of Kentucky join and become a member of the

Interstate Compact to Conserve Oil and Gas as now constituted:

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

Section 1. The Interstate Compact to Conserve Oil and Gas entered into by the Governors of the State of Colorado, Illinois, Kansas, New Mexico, Oklahoma and Texas, and the representatives of certain other oil producing States at Dallas, Texas, on the 16th day of February, 1935, and extended as aforesaid, is hereby ratified, approved and confirmed by the Commonwealth of Kentucky and the Governor of this Commonwealth is hereby authorized, empowered and directed to affix its signature to a counterpart of said Interstate Compact to Conserve Oil and Gas and have a certified copy of same deposited with the Department of State of the United States in Washington, D. C., as provided by Article VIII of said Compact.

Section 2. The Interstate Compact to Conserve Oil and Gas referred to in the above section and which was ratified, approved and confirmed by the legislature of the several states of Colorado, Illinois, Kansas, New Mexico, Oklahoma and Texas, and which was extended by agreement subject to the approval of Congress, reads as follows:

"AN INTERSTATE COMPACT TO CONSERVE OIL AND GAS

"ARTICLE I.

"This agreement may become effective within any Compacting State at any time as prescribed by that State, and shall become effective within those States ratifying it whenever any three of the States of Texas, Oklahoma, California, Kansas, and New Mexico have ratified and Congress has given its consent. Any oil-producing State may become a party hereto as hereinafter provided.

"ARTICLE II.

"The purpose of this compact is to conserve oil and gas by the prevention of physical waste thereof from any cause.

"ARTICLE III.

"Each State bound hereby agrees that within a reasonable time it will enact laws, or if any laws have been enacted, then it agrees to continue the same in force, to accomplish within reasonable limits the prevention of:

"(a) The operation of any oil well with an inefficient gas-oil ratio.

"(b) The drowning with water of any stratum capable of producing oil or gas, or both oil and gas in paying quantities.

"(c) The avoidable escape into the open air or the wasteful burning of gas from a natural gas well.

"(d) The creation of unnecessary fire hazards.

"(e) The drilling, equipping, locating, spacing or operating of a well or wells so as to bring about physical waste of oil or gas or loss in the ultimate recovery thereof.

"(f) The inefficient, excessive or improper use of the reservoir energy in producing any well.

"The enumeration of the foregoing subjects shall not limit the scope of the authority of any State.

"ARTICLE IV.

"Each State bound hereby agrees that it will, within a reasonable time, enact statutes, or if such statutes have been enacted, then it will continue the same in force, providing in effect that the oil produced in violation of its valid oil and/or gas conservation statutes or any valid rule, order or regulation promulgated thereunder, shall be denied access to commerce; and providing for stringent penalties for the waste of either oil or gas.

"ARTICLE V.

"It is not the purpose of this compact to authorize the States joining herein to limit the production of oil or gas for the purpose of establishing or fixing the price thereof, or create or perpetuate monopoly, or to promote regimentation, but is limited to the purpose of conserving oil and gas and preventing the avoidable waste thereof within reasonable limitations.

"ARTICLE VI.

"Each State joining herein shall appoint a representative to a commission hereby constituted and designated as THE INTERSTATE OIL COMPACT COMMISSION, the duty of which commission shall be to make inquiry and ascertain from time to time such methods, practices, circumstances and conditions as may be disclosed for bringing about conservation and the prevention of physical waste of oil and gas, and at such intervals as said commission deems beneficial it shall report its findings and recommendations to the several States for adoption or rejection.

"The commission shall have power to recommend the coordination of the exercise of the police powers of the several states within their several jurisdictions to promote the maximum ultimate recovery from the petroleum reserves of said States, and to recommend measures for the maximum ultimate recovery of oil and gas. Said Commission shall organize and adopt suitable rules and regulations for the conduct of its business.

"No action shall be taken by the Commission except: (1) by the affirmative votes of the majority of the whole number of the compacting States, represented at any meeting, and (2) by a concurring vote of a majority in interest of the compacting States at said meeting, such interest to be determined as follows: Such vote of each State shall be in the decimal proportion fixed by the ration of its daily average production during the preceding calendar half-year to the

daily average production of the compacting States during said period.

"ARTICLE VII.

"No State by joining herein shall become financially obligated to any other State, nor shall the breach of the terms hereof by any State subject such State to financial responsibility to the other States joining herein.

"ARTICLE VIII.

"This compact shall expire September 1, 1937. But any State joining herein may, upon sixty (60) days' notice, withdraw herefrom.

"The representative of the signatory States have signed this agreement in a single original which shall be deposited in the archives of the Department of State of the United States, and a duly certified copy shall be forwarded to the Governor of each of the signatory States.

"This compact shall become effective when ratified and approved as provided in Article I. Any oil-producing State may become a party hereto by affixing its signature to a counterpart to be similarily deposited, certified and ratified.

"Done in the City of Dallas, Texas, this Sixteenth day of February, 1935.

"E. W. MARLAND
The Governor of the State
of Oklahoma
JAMES V. ALLRED
The Governor of the State
of Texas
R. L. PATTERSON
For the State of California
FRANK VESELY
E. H. WELLS
HUGH BURCH
HIRAM M. DOW
For the State of New Mexico

"The following representatives recommend to their respective Governors and Legislatures the ratification of the foregoing agreement:

"JOHN W. OLVEY
of Arkansas
WARWICK M. DOWNING
of Colorado
WILLIAM BELL
of Illinois
GORDON F. VAN EENANAAM
GERALD COTTER
of Michigan
RALPH J. PRYOR
E. B. SHAWVER
T. C. JOHNSON
of Kansas."

Section 3. The Governor is hereby designated as the official representative of the Commonwealth of Kentucky on "The Interstate Oil Compact Commission" provided for in the compact herein ratified, approved and confirmed, or as extended. The Governor shall exercise and perform for the Commonwealth of Kentucky all the powers and duties imposed by the aforesaid compact upon a representative to "The Interstate Oil Compact Commission"; provided, that he shall have the authority to appoint an assistant representative who shall act as the official representative of the Commonwealth of Kentucky on "The Interstate Oil Compact Commission" when the authority to so act is delegated to him by the Governor. In addition, said assistant representative shall perform such other duties as the Governor may designate which are necessary to enable the Commonwealth of Kentucky to fully cooperate in accomplishing the objects of said Compact. Said assistant representative shall take the oath of office prescribed by the Constitution, which shall be filed with the Secretary of State.

Section 4. The Governor of Kentucky is authorized and empowered for and on behalf of this State to determine if and when it shall be for the best interest of this State to withdraw from said Compact upon sixty (60) days' notice as prescribed by the terms of the Compact. In the event he shall determine that this State should withdraw from said Compact, he shall have full power and authority to give the necessary notice and to take any and all steps necessary and proper to effect the withdrawal of the Commonwealth of Kentucky from said Compact.

Section 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this resolution shall take effect and be in full force from and after is passage and approval.

By Mr. Royster.

H. B. 165. An Act relating to appropriations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Paragraph (g) of Section 18 of Part I. of House Bill No. 1 of the 1942 Session of the General Assembly is amended to read as follows:

"(g) *Free Text Books.* For the purchase of text books as provided for in Chapter 48, Acts of 1928, as amended, $750,000."

§ 2. Paragraph (g) of Section 18 of Part I-A of House Bill No. 1 of the 1942 Session of the General Assembly is amended to read as follows:

"(g) *Free Text Books.* For the purchase of text books as provided for in Chapter 48, Acts 1928, as amended, $750,000."

Ordered that said bills be printed and referred.

Mr. A. G. Hamilton moved that Mr. Ollis White be extended the privilege of the floor.

Said motion was agreed to.

Mr. Lamkin moved that the privilege of the floor be extended to Judge Owen Keller, Judge Mark Beauchamp and Miss Jane Beauchamp.

Said motion was agreed to.

Mr. Jouett moved that the privilege of the floor be extended to Messrs. N. E. Riddle, John L. Vest, Walter Vest and A. D. Yelton.

Said motion was agreed to.

Mr. Quill moved that the privilege of the floor be extended to Mr. D. Collins Lee.

Said motion was agreed to.

Mr. Henry Ward moved that the Rules of this House be suspended for the purpose of permitting Committees to report.

Said motion was agreed to.

Thereupon the Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Simpson of the Committee on Education No. 1.

H. B. 49. An Act relating to education.

With an amendment thereto by way of Substitute therefor as proposed by the Committee.

With the expression of opinion that said bill ought to pass.

With a Minority Report thereto.

Said Minority Report is as follows, viz.:

The Committee on Education No. 1 to which the same had been referred, have had under consideration a bill entitled:

H. B. 49. An Act relating to Education

and report same with the expression of opinion that said bill ought not to pass.

Signed C R. Walden

Joe B. Jarboe, Jr.

Mr. Walden moved that said Minority Report be substituted for the Committee Report.

Mr. J. Lee Moore moved that consideration of the motion to substitute the Minority Report for the Committee Report be made a Special Order for Thursday at two o'clock P. M.

Said motion was eagreed to.

Thereupon said bill was read at length the first time and ordered to be placed on the Calendar.

By Mr. Roy L. Taylor of the Committee on Veteran's Affairs.

H. B. 120. An Act concerning the manner of commitment of incompetent veterans of the World War, etc.

By Mr. M. M. Robinson of the Committee on Public Health 1-A.

H. B. 72. An Act relating to trained nurses.

With a Committee Amendment thereto.

By Mr. Shaikun of the Committee on Cities of First Class.

H. B. 134. An Act providing for the creation and establishment of public road districts.

By Mr. Love of the Committee on Fish and Game.

H. B. 88. An Act to repeal, amend and re-enact Sec. 1954d-45 Kentucky Statutes, Baldwin's 1939 Supplement, relating to taking of Mussels.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 77. An Act relating to dogs.

With a Committee amendment thereto by way of Substitute therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Sections 68b-1 to 68b-38 of Carroll's Kentucky Statutes, 1936 Edition, Chapter 5 of the Acts of 1940, and Chapter 132 of the Acts of 1940 are repealed.

2. DEFINITIONS. As used in this Act, unless the content requires otherwise: (1) Live stock shall include horses, stallions, colts, geldings, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids and swine. (2) Poultry shall include all domestic fowel. (3) Person shall include state and local officers or employees, individuals, corporations, co-

partnerships and associations. Singular words shall include the plural. Masculine words shall include the feminine and neuter. (4) Owner, when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him. (5) Kennel shall mean any establishment wherein or whereon dogs are kept for the purpose of breeding, boarding, sale or sporting purposes. (6) Dog Warden shall mean the officer duly appointed by the proper authorities in a particular county and whose duty it is to enforce this law in that county. (7) Commissioner shall mean the Commissioner of Agriculture, Labor and Statistics. (8) Department shall mean the Department of Agriculture, Labor and Statistics. (9) Dog shall mean all members of the canine family 8 months or more of age; also pet foxes, wolves, etc. (10) Inocualtion shall mean the injection, subcutaneously or otherwise as approved by the State or County Health Office and the State Veterinarian, of canine artirabies vaccine, such vaccine to be approved by the State Veterinarian before such vaccine may be used within the confines of the Commonwealth. (11) Committee shall mean the Supervisory Committee and Appeals Board as herein created.

3. APPOINTMENT OF DOG WARDEN. Upon the enactment of this law, the Supervisory Committee and Appeals Board, as herein provided for, in each county, may appoint a Dog Warden for each County in the Commonwealth. When appointed, such Dog Warden shall hold office at the pleasure of the Supervisory Committee and Appeals Board of the county so appointing and until such time as his successor is appointed.

4. DUTIES OF DOG WARDEN. It shall be the duty of each Dog Warden to license all dogs in the county in which he is appointed and when the Supervisory Committee and

Appeals Board of the County has decreed that dogs in such county shall be inoculated, as herein provided, such licenses to be issued only after presentation by the owner of a certificate signed by accredited Veterinarian certifying that such dog has been inoculated as herein provided.

It shall be the duty of the Dog Warden of the county to seize and impound any dog or dogs which are found running at large and which does not bear a proper license tag. The Dog Warden shall cause any dog bearing a proper license tag and so seized and impounded to be properly kept and fed, and shall cause immediate notice, either personal or by registered mail, to be given to the person from whom or from whose premises the dog was taken or in whose name the license was procured, or his agent to claim such dog, within ten days. And upon oath or affirmation before the County Judge, showing probable cause that any person is the owner of or is harboring any unlicensed dog or dogs, such County Judge shall issue to the Dog Warden of the county a search warrant to search the premises of such person and to seize said unlicensed dog or dogs, describing such person, premises and dog or dogs as nearly as may be, and it shall be the duty of Dog Warden to go upon the premises of such person for the purpose of ascertaining if such person is the owner of or is harboring any unlicensed dog or dogs, and if such officer finds any unlicensed dog or dogs the officer shall seize and impound said dog or dogs, as is above provided, and he shall give notice as above provided.

If, after ten days from the giving of such notice, such dog has not been claimed, the Dog Warden shall dispose of such dog by sale or by destruction in some humane manner. All money derived from the sale of such dog, after deducting the expenses of its detention, shall be paid to the Dog Warden and by him placed in the County Live Stock Fund.

5. LICENSE TAXES, WHEN DUE. All license taxes hereinafter provided shall be receivable and license tags pro-

curable on or before January first of the year for which the license is purchased.

6. LICENSE APPLICATION — PROVISIONS. On or before the first day of January of each year after the enactment of this law, the owner of any dog shall apply to the Dog Warden of the county, in which the owner resides, either orally or in writing, for a license for each such dog owned or kept by him. Such application shall state the breed, sex, age, color and markings of such dog, and the name and address of the last previous owner.

7. LICENSE FEES. The application for license shall be accompanied by a fee of One Dollar ($1.00) for each male dog and Two Dollars ($2.00) for each female dog. The license fee for a spayed female dog shall be the same as that of a male dog; provided that the owner presents a certificate from a licensed veterinarian stating that he had spayed said female dog. The Veterinarian's certificate shall state the breed, age, color and markings of and the date on which said female dog was spayed.

8. LICENSE FORMS AND TAGS. All licenses shall be issued on a form prepared and supplied by the Commissioner to the Dog Warden. Such license shall be dated and numbered, and shall bear the name of the county issuing it and a description of the dog licensed. All licenses shall be used on the first day of January of the following year. The Commissioner shall furnish the Dog Warden of each county, with each license, a metal tag. Such tag shall be affixed by the owner to a substantial collar and shall at all times be kept on the dog for which the license is issued. The tag shall be given by the Warden to the owners of dogs at the time the license fee for such dog is paid. Such tags shall be of metal and shall bear the name of the county issuing it, and a serial number corresponding with the number of the license issued to said owner. Such tags shall also have impressed thereon the calendar year for which such tag is issued, and shall be equipped

with a substantial metal fastening device. The general shape of said tag shall be changed from year to year. Said blank license and said metal tags shall be paid for by the county for which said license and tags are issued.

If any such tag is lost it shall be replaced without cost by the Dog Warden upon application by the person to whom the original license was issued, and upon production of such license.

9. DOGS ACQUIRED AFTER JANUARY FIRST. Any person becoming the owner, after the first day of January of any year, of any dog which has not already been licensed, shall forthwith apply for and secure a license for such dog in the same manner as provided in Sections Five and Six of this Act.

10. TRANSFER OF LICENSES. No license or license tag issued for one dog shall be transferable to another dog, except as provided in Section 10 of this Act. Whenever the ownership or possession of any dog is permanently transferred from one person to another within the same county, the license of such dog may be likewise transferred upon notice given to the Dog Warden. The procurement of a new license or the transfer of a license already secured shall not be required when the possession of a dog is temporarily transferred for the purpose of hunting game, or for breeding, trial, or show, in this Commonwealth.

11. TRANSFER FROM COUNTY TO COUNTY. Whenever any dog licensed in one county is permanently removed to another county, the Dog Warden of the county where the license was issued shall, upon the application of the owner or keeper of such dog, certify such license to the Dog Warden of the county to which the dog was removed. Such Dog Warden shall thereupon, upon payment of a fee of twenty-five cents, issue a license and a tag for such dog in the county to which it is removed.

This section shall not apply to dogs used during the hunting season for hunting game, or temporarily for breeding,

trial or show in the Commonwealth; nor to the transportation of dogs for hunting, breeding, trial, or show purposes, the home county license holding good for such purposes throughout the Commonwealth.

12. KENNEL LICENSES. Any person who keeps or operates a kennel may, in lieu of the license for each dog required by this Act, apply to the Dog Warden for a kennel license, entitling him to keep or operate such kennel. Such license shall be issued by the Dog Warden on a form prepared and supplied by the Commissioner of Agriculture to the Dog Warden and shall entitle the licensee to keep any number of dogs not at any time exceeding a certain number to be specified in the license. The fee to be paid for each kennel license shall be ten ($10.00) dollars for ten dogs or less, and twenty-five ($25.00) dollars for more than ten dogs permitted to be kept under the kennel license. With each kennel license the Dog Warden shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. All such tags shall bear the name of the county issuing it, the number of the kennel license, and shall be readily distinguishable from the individual license tag for the same year. But no kennel license shall be issued or be valid unless the person applying for same is the owner of all dogs kept in the kennel or the persons so applying are the owners in common of all dogs kept in the kennel, or, in the case of a boarding kennel, the person so applying shall be the owner of the kennel. And it shall not be necessary for tags to be issued for use on dogs boarded therein, it being specifically understood that the fee required in the case of a boarding kennel is for the privilege of operating such kennel. Any dog authorized to be kept under a kennel license and which is not actualy kept in the kennel for which he is licensed shall be considered as if never licensed under this Act.

13. RULES GOVERNING KENNEL LICENSES. Except in the case of a boarding kennel, the licensee of a kennel shall, at all times, keep one of such tags attached to a

collar on each dog kept by him under a kennel license. Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel.

This section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

14. DOGS FOR TRIAL, SHOW AND BREEDING PURPOSES. Any person may bring or cause to be brought into the State, for a period of thirty days, one or more dogs for show, trial or breeding purposes.

15. RECORD OF LICENSES ISSUED TO BE KEPT. The Dog Warden shall keep a record of all dog licenses, and all kennel licenses and all permits issued during the year. Such record shall contain the name and address of the person to whom each license or permit is issued. In the case of an individual license, the record shall also state the breed, sex, age, color and markings of the dog licensed; and in the case of a kennel license it shall state the place where the business is conducted. The record shall be a public record and open to persons interested during business hours.

Whenever the ownerhsip or possession of any dog licensed under the provisions of this Act is transferred from one person to another, except the temporary transfer of dogs for hunting purposes, or for breeding, trial, or show, as provided in Section 9 of this Act, such transfer shall be noted on the record of the Dog Warden.

16. DISPOSITION OF FUNDS, RECORD KEPT. An accurate record of all license fees collected by the Dog Warden shall be kept in a book furnished by the Commissioner of Agriculture as a matter of information; but all such funds shall be turned into the county funds for the payment of live

stock or poultry killed or damaged by dogs except as hereinafter provided. All moneys at present in the county or that hereafter may be collected under the existing law, shall be turned into the said fund. All bills incurred under this Act, or due at the time of the passage of this Act, shall be paid out of the said fund.

17. ASSESSMENT OF DOGS BY TAX COMMISSIONER. The county tax commissioner in each county of this Commonwealth shall annually at the time of assessing property as required by law, make diligent inquiry as to the number of dogs owned, harbored, or kept by any person, and shall list them. The county tax commissioners shall receive five (5c) cents per dog for each dog listed by him, same to be paid out of said county fund, but before the payment is made the county tax commissioner or deputy shall make an affidavit, setting forth that he has made diligent inquiry and visited each and all persons in the county to ascertain whether or not they had dogs and has listed all dogs. On his failure to make said affidavit, he is not to receive anything for his services.

The county tax commissioner shall annually, on or before the thirty-first day of December, make a complete report to the Dog Warden, and a duplicate report to the Commissioner of Agriculture, on a blank form furnished by the Dog Warden, setting forth the name of every owner of any dog or dogs, whether licensed or unlicensed, the license number of each licensed dog, how many of each sex, licensed or unlicensed, are by him owned or harbored and if a licensed or unlicensed kennel is maintained by any person such fact shall also be stated. It shall be the duty of the county tax commissioner, at the time of taking the list, to notify the owner of such dog or dogs that he must obtain a license for same as provided for in this Act; but the neglect or failure to so notify such owner shall not relieve the owner from his duty to obtain such license.

18. UNLAWFUL TO HARBOR UNLICENSED DOG. On and after the enactment of this law, it shall be unlawful

for any person to own or keep any dog unless such dog is licensed by the Dog Warden of the county in which the dog is kept; and unless such dog at all times wears the collar and tag provided for in this Act, excepting such dogs as are temporarily brought into the State for breeding, trial or show purposes.

19. SUPERVISORY COMMITTEE AND APPEALS BOARD CREATED. There is hereby created a county supervisory committee and appeals board for each county in the Commonwealth, such committee shall be composed of the County Judge, the County Health Officer, the County Live Stock Inspector, the President of the Sheep Protective Association of the County and one layman familiar with dogs, the last named member to be appointed by the Fiscal Court of the County. In any county where no Sheep Protective Association is in existence, such committee shall be composed of only the first three members named. Upon the organization of a Sheep Protective Association in any county after the enactment of this law, the membership of the Supervisory Committee and Appeals Board shall immediately be increased to five, as herein provided. Upon the expiration of the tenure of office of any member of the committee, or, in the event of the resignation or discharge from his official position of any member of the committee, the individual succeeding the official who has ceased to function, is hereby designated as a member of this committee.

20. DUTIES OF COMMITTEE AND APPEALS BOARD. The committee created by Section 19 of this Act shall have general supervisory powers over the Dog Warden of each county. Such committee shall appoint each Dog Warden. The committee shall, upon evidence of incompetence or for any other cause deemed sufficient by a majority of the members, discharge the Dog Warden and appoint his successor. The committee shall have complete jurisdiction over quarantine of dogs or other animals suspected of rabies or exposed to the disease and shall direct the Dog Warden to

carry out such quarantine restrictions, when so ordered it shall be the duty of the Dog Warden to strictly comply with the orders of the committee. When any dog owner shall feel aggrieved at any action of the Dog Warden, he shall have the privilege of appealing to the committee for relief and the disposition of the case shall be entirely within the discretion of the committee.

21. INOCULATION. On and after the enactment of this law, the owner of any dog shall, upon demand by the Committee or its agent, be required to have such dog inoculated against rabies by a licensed veterinarian who has been approved by the Division of Live Stock Sanitation of the Kentucky Department of Agriculture, and it shall be the duty of the committee in each county to carefully study the number of cases of rabies among dogs in their particular county and when, in the opinion of a majority of the committee, there is a likelihood of the disease reaching epidemic proportions, such committee may require the immediate inoculation of all the dogs in the county. In the event that no veterinarian is available in the county, the Division of Live Stock Sanitation of the Department of Agriculture shall designate a veterinarian, employed by the said Division, who shall inoculate dogs in such county. When inoculation has been declared necessary by the committee in any county, it shall be unlawful for any dog owner to secure a license for a dog, or for the Dog Warden in any county to issue such license, until the owner of such dog shall present to the Dog Warden an official certificate, issued on a form furnished by the Division of Livestock Sanitation of the Kentucky Department of Agriculture, stating that such dog has been inoculated, the date of such inoculation, type of vaccine used, and the name of the veterinarian inoculating such dog. Such certificates shall be serially numbered.

22. CERTIFICATES TO BE ISSUED IN TRIPLICATE. Certificates issued as provided in Section 21 of this Act, shall be issued in triplicate, the original shall be delivered to the dog owner, the duplicate copy to be delivered to the

Dog Warden of the county of the dog owner's residence and the triplicate copy to be retained by the veterinarian performing the inoculation.

23. DOGS TO WEAR TAGS. Coincident with the issuance of the certificate of inoculation, as herein prescribed, the veterinarian performing the inoculation shall furnish with the original of the certificate a serially numbered tag bearing the same number and year as the certificate bears, which tag shall at all times be attached to the collar worn by the dog for which the certificate and tag have been issued.

24. FORMS AND TAGS TO BE FURNISHED BY COMMISSIONER. All certificates and tags shall be furnished by the Commissioner. The general shape of the metal tag shall be changed from year to year in the same manner as prescribed herein for the regular dog license tag. Said certificates and metal tags shall be paid for by the county for which such certificates and tags are issued.

25. LOST TAGS. In the event of the loss of an inoculation tag, such lost tag shall be replaced by the Dog Warden by a tag plainly marked "duplicate"; such duplicate tag to be issued at no extra cost to the dog owner and shall be issued only after presentation by the said owner of the original certificate of inoculation.

26. DOGS RUNNING AT LARGE, KILLING LIVE STOCK, ETC. Any person may kill any dog which he sees in the act of pursuing, worrying or wounding any live stock, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act, and he may kill any dog that is mad or afflicted with hydrophobia. There shall be no liability on such person in damages or otherwise for such killings.

27. REMOVAL OF TAG. It shall be unlawful for any person, except the owner or authorized agent to remove any license tag or inoculation tag from a dog collar, or to remove any collar with a license tag attached thereto, from any dog.

It shall be unlawful for any person to harbor, or permit to remain about his premises, any dog not having a license and inoculation tag.

28. FEMALE DOGS IN HEAT. It is unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner or keeper at any time she is in heat, unless such female dog is held properly in leash.

29. DAMAGE TO LIVE STOCK BY DOGS CLAIMS AND APPRAISAL. Whenever any person sustains any loss or damage to any live stock or poultry by dogs, or any live stock of any person is necessarily destroyed because of having been bitten by a dog, such person or his agent, or attorney may complain to the County Judge. Such complaint shall be in writing, shall be signed by the person making such complaint, and shall state when, where and how such damage was done, and by whose dog or dogs, if known. Such County Judge shall appoint two appraisers, subject to the approval of the committee, whose duty it shall be to investigate and ascertain the amount of damages sustained. Said appraisers shall both be resident landowners of the county and not related to claimant by either blood or marriage. Said appraisers shall examine the place where the alleged loss or damage was sustained and the live stock or poultry injured or killed, within forty-eight (48) hours after the injury or death occurred, and shall also examine under oath or affirmation any witness called before them. After making diligent inquiry in relation to such claim, said appraisers shall determine whether any damage has been sustained and the amount thereof, and if possible, who was the owner of the dog or dogs by which such damage was done, and shall forthwith make a written report of this investigation and findings to the County Judge appointing them.

Any person owning, keeping or harboring such dog or dogs shall be liable to the owner of such live stock or poultry in a civil action for all damages done and costs.

But if it appears from the complaint and appraiser's report aforesaid that the owner who suffers the loss will for any cause probably be unable to collect the damages done to his property by a civil action, or if it appears therefrom that the person owning or harboring such dog or dogs is not known, said owner who suffers the loss shall be reimbursed out of said live stock and poultry fund of the county in which said damage occurred in the manner hereinafter provided.

30. CERTIFICATION BY JUDGE. Upon making the examination required in Section 29 of this Act, the County Judge shall immediately make a certificate thereto, signed and sealed by him, that such appraisement was regularly and duly made. If, by such examination, it appears that any damage has been sustained by the claimant, the County Judge shall deliver the report of such examination, and all papers relating to the case to the claimant or his agent or attorney, upon payment of the costs up to that time. Such reports shall be delivered to the Dog Warden to be filed in his office.

31. PAYMENT OF DAMAGE CLAIMS. The Dog Warden of the county receiving such report, if it appears thereby that a certain amount of damage has been sustained by the claimant, shall immediately draw his order on the treasurer of the county in favor of the claimant for the amount of loss or damage such claimant has sustained according to such report, together with necessary and proper costs incurred. Such amount shall be paid by the county treasurer out of the live stock fund. No person shall receive any order for any claim until the County Judge, before whom the claim was made, has certified that due diligence was made to ascertain whose dog or dogs did the damage and where the carcasses of the live stock or poultry killed, and for which damages have been assesed, were located 24 hours after the assessment of damages, and that said damages are probably not collectable in a civil action, giving the reasons.

32. LIMITATION ON AMOUNTS PAID FOR DAMAGES. Any stock injured, damaged or killed by a dog or dogs, the owner or owners of same shall be paid for such injuries or damages done to live stock or poultry belonging to them not to exceed the amounts hereinafter designated for the kinds of stock injured, damaged or killed, namely:

For each horse or mule not to exceed $75.00; for each head of cattle not to exceed $50.00; for each head of swine weighing over one hundred pounds not to exceed $15.00; and weighing under one hundred pounds, not to exceed $7.50; for each head of grade sheep not to exceed $10.00; for each head of grade lambs not to exceed $8.00; for each head of registered ewe not to exceed $15.00; for each registered ram not to exceed $20.00; for each head of registered or eligible to be registered lamb, upon presentation of registry certificate, not to exceed $12.00; for each head of chicken or duck, not to exceed $1.00; and for each head of turkey or geese, not to exceed $3.00.

Any valid claim or parts thereof for loss or damage to sheep, horses, mules, cattle or swine which have accrued under any general or local laws at any time, prior to the passage of this Act, shall not abate by reason of the repeal of such general or local Act, but shall be paid out of the same fund of the proper county

All claims or parts thereof remaining unpaid for any reason at the close of any year shall not abate, but shall continue as claims until paid in full.

33. PROCEEDINGS AGAINST DOG OWNER. The County Judge, upon an oral or written charge of any person, supported by oath or affirmation to the effect that any dog has killed or injured live stock or poultry, shall issue a summons against the owner of said dog or against the person having control, custody or possession thereof, or, if the owner thereof be a minor, against the parent, guardian or person having custody and control of said minor, ordering the person or

persons summoned to produce the dog in court within three days.

The court shall make a record of all steps taken, orders made and judgments entered in the proceedings, which shall be in the name of the Commonwealth, and against the dog in the name of the owner, or any person authorized in the preceding paragraph to be notified of the charge against the dog. The owner or other person summoned may make defense to the charge against the dog. If the court, upon hearing, adjudges that the dog on trial has either killed or injured live stock or poultry, he shall enter an order directing said dog to be destroyed by the Dog Warden. The owner or person defending for a dog, which has been convicted, may within three days prosecute an appeal to the circuit court, which appeal shall be subject to the laws of this Commonwealth relating to civil appeals.

Pending the hearing before the county court, the court shall require such bond of the owner or person having custody of the dog as will insure the presence of the dog in court upon the hearing. Before an appeal may be prosecuted the county court shall require the owner of the dog, or the person who has defended on the dog's behalf, to execute a good and sufficient bond, not to exceed the sum of four hundred dollars ($400.00), that the dog will be presented to the Dog Warden upon final determination of the apeal, so that the judgment entered against the dog may be executed. Said bond shall also cover the costs of the suit.

The county attorney shall be entitled to a fee of ten dollars ($10.00) to be taxed as part of the costs for attending the court and actually prosecuting the case. Upon an appeal to the Circuit Court, it shall be the duty of the Commonwealth's attorney and the county attorney to prosecute the case, and each shall be allowed a fee of ten dollars ($10.00) for his services in the circuit court, which fees shall also be taxed as part of the costs. Each court hearing the charge, if defense

is made and the dog ordered destroyed, shall tax as costs such other fees as may be allowed by law.

34. PERSONS CONCEALING FACTS. It is unlawful for any person knowingly to make any false statement or to conceal any fact required to be disclosed under any provisions of this Act.

35. BURDEN OF PROOF. In any proceedings under this Act, the burden of proof of the facts that a dog has been licensed, or has been imported for breeding, trial or show purposes, shall be on the owner of such dog. Any dog not bearing a license tag shall prima facie be deemed to be unlicensed.

36. COMMISSIONER TO ENFORCE ACT — FEES PAID HIM. The Commissioner of Agriculture, through his officers and agents, is charged with the general enforcement of this Act and shall have general supervision over the licensing and regulation of dogs and protection of live stock and poultry from damage by dogs in all counties of the Commonwealth. To this end, the Commissioner of Agriculture may make such rules and regulations as he may deem necessary and employ all proper means for the enforcement of this Act. Any other state department, bureau, or commission must on request of the Commissioner of Agriculture assist in the enforcement of the provisions of the Act. To that end, each Dog Warden shall on the first day of each month following the enactment of this law, draw his warrant on the county treasurer of his county in favor of the Commissioner of Agriculture for a sum equal to ten per cent (10%) of the amount received for said licenses during the preceding month.

37. FEES ALLOWED BY THIS ACT. In addition to the fees to be paid to the county tax commissioner, as provided in Section 17 of this Act and to the Commissioner of Agriculture as provided in Section 36 of this Act, the Dog Warden of each county shall be entitled to a fee of fifteen cents (15c) for each and every license issued by him, which amount shall

be paid out of the county live stock fund. When it becomes necessary for the Dog Warden to impound a dog, he shall be entitled to a fee of fifty cents (50c) for such impounding, in addition to the impounding fee the Dog Warden shall be entitled to a fee of fifty cents (50c) for keeping said dog as provided in Section 4 of this Act. If impounded dogs are reclaimed, the owner of such dog or dogs shall pay the fees for impounding and keeping in addition to the regular license fee as herein provided, if said dog or dogs have been previously licensed for the year during which they are impounded only the payment of the impounding and feeding fees shall be required. Before any dog shall be released after being impounded for any reason whatsoever, such dog shall be inoculated against rabies by a licensed veterinarian under the regulations laid down in Section 11 hereof. If such dog has been previously inoculated in the year such impounding and release takes place, the Dog Warden is authorized to release such dog upon presentation of a certificate of inoculation. If dogs, either licensed or unlicensed, that are impounded under this Act, are not reclaimed, the Dog Warden shall receive a fee of fifty cents (50c) for the destruction of each dog, said sums to be paid out of the county live stock fund.

38. ORDER IN WHICH FUNDS ARE TO BE DISBURSED. All funds collected under the provisions of this Act shall be disbursed in the following manner and in the exact order here designated. (1) The Dog Warden shall first receive fees due him at the rate of fifteen cents (15c) for each license sold. (2) The Commissioner shall receive ten per cent (10%) of the gross proceeds of dog license sales. (3) The county tax commissioner shall receive five cents (5c) for each dog assessed. (4) The Dog Warden shall receive impounding, keeping, and killing fees in a total not to exceed one dollar and fifty cents ($1.50) as provided in Section 37 of this Act. (5) All expenses incurred under this Act necessary to the enforcement of the Act and approved by the Supervisory Committee shall be paid. (6) Damage

claims for live stock as herein provided. (7) If on December 31st of any year after the enactment of this law all fees, expenses, damage claims and all other items have been paid, there still remains unused funds in the county live stock fund, such funds shall revert to the school fund of the county.

39. DOGS ILLEGALLY KILLED. Nothing in this Act shall be construed to prevent the owner of a licensed dog from recovering, by action at law, the value of any dog, which dog has been illegally killed by any officer, farmer, stockman or other person within the Commonwealth, from said officer, farmer, stockman or other person. In case such officer or other person fails to pay the value of such dogs so killed, the same shall be paid by the proper county. Said value of said dog to be ascertained in the same manner and form as provided in Section 29 of this Act for assessing the damages done to live stock by dogs.

40. GAME LAWS — DOG VIOLATING. Nothing in this Act shall be construed to prevent the killing of a dog caught chasing deer at any time of the year, on either public or private lands; or to prevent the killing of dogs by any officer empowered to enforce the game laws of this Commonwealth when said dogs are pursuing game during the closed season for the training of dogs on game providing said dogs are not under the immediate control or accompanied by their owner or keeper, and also provided that legal notice has previously been given said owner or keeper as required by the game laws of this Commonwealth.

41. PENALTIES. Any person violating or refusing to comply with any of the provisions of this Act or violating or refusing to comply with any of the regulations promulgated by the Commissioner of Agriculture, as herein provided for, or interfering with the agents of the Commissioner or refusing to comply with rules and regulations laid down by the Supervisory Committee or Appeals Board, or in any way hindering or obstructing any duly authorized official in the

furtherance of his duties as herein provided, shall be guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred Dollars ($200.00) for each offense. All fines collected hereunder shall be forthwith paid to the treasurer of the proper county to be credited to the county live stock fund.

42. EMERGENCY DECLARED TO EXIST. Inasmuch as the enforcement of the existing Dog Law is now extremely lax and a further delay in the enactment of this legislation will cause untold losses to live stock producers in all sections of the Commonwealth, an emergency is declared to exist, and this Act shall take effect and be in force from and after its passage and approval by the Governor.

43. REPEALER SECTION. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, Section One of this Act shall be treated as repealing KRS 29.230 (3) and all of KRS Chapter 258, except KRS 258.070, 258.090, 258.990 (1) and 258.990 (2), regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

Said Substitute is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Sections 68b-1 to 68b-38 of Carroll's Kentucky Statutes, 1936 Edition, Chapter 5 of the Acts of 1940, and Chapter 132 of the Acts of 1940 are repealed.

2. As used in this Act, unless the content requires otherwise, the term owner, when applied to the proprietorship of a dog, shall include every person having a right of property in such dog, and every person who keeps or harbors such dog or has it in his care, and every person who permits such dog to remain on or about any premises occupied by him.

3. Except as provided in Section 4 hereof, upon the enactment of this law a Supervisory Committee, as herein

provided for, may appoint a County Dog Warden and upon such appointment all monies in the livestock fund in the county shall be given into his custody to be used in accordance with the provisions of this Act. It shall be the duty of each Dog Warden to license all dogs over eight months of age in the county, each licensed dog to bear a license tag on its collar. It shall be the duty of the Dog Warden of the county to seize and impound any dog or dogs which are found runnnig at large. The Dog Warden shall cause any dog bearing a proper license tag and so seized and impounded to be properly kept and fed, and shall cause immediate notice to be given to the owner that the dog is being held. The County Judge shall issue to the Dog Warden a search warrant to search the premises of any person and to seize any unlicensed dog or dogs, and it shall be the duty of the Dog Warden to go upon the premises of such person for the purpose of seizing any unlicensed dogs in order that they may either be licensed or impounded. If, after ten days from the giving of notice, any dog has not been claimed, the Dog Warden shall dispose of such dog by sale or by destruction in some humane manner. All money derived from the sale of such dog shall be placed in the County Livestock Fund.

4. In counties containing cities of the first class, the appointment of a Dog Warden shall be mandatory and in such counties the Committee shall appoint a duly qualified officer of the Kentucky Animal Rescue League, Inc., to serve as Dog Warden.

5. All license taxes hereinafter provided shall be receivable and license tags procurable on or before January first of the year for which the license is purchased for a fee of One Dollar ($1.00) for each male dog and Two Dollars ($2.00) for each female dog, and One Dollar ($1.00) for a spayed female dog, provided that a certificate is presented from a licensed veterinarian stating that he has spayed said female dog. Each kennel license shall be Ten Dollars ($10.00) for ten dogs or less, and Twenty-Five Dollars ($25.00) for more than ten

dogs. Except in the case of a boarding kennel the licensee of a kennel shall, at all times, keep a tag attached to the collar on each dog kept by him under a kennel license. Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel. This section does not prohibit the taking of dogs having a kennel license outside the limits of the kennel temporarily and in leash, nor does it prohibit the taking of such dogs out of the kennel temporarily for the purpose of hunting, breeding, trial or show.

6. Any person may bring or cause to be brought into the State, for a period of thirty days, one or more dogs for show, trial, or breeding purposes.

7. Except as provided in Section 18 of this Act, in a county where a Dog Warden has been appointed, the Tax Commissioner shall annually at the time of assessing property, make diligent inquiry as to the number of dogs owned, harbored, or kept by any person, and shall list them. The County Tax Commissioners shall receive five cents (5c) per dog for each dog listed by him, same to be paid out of said livestock fund. The County Tax Commissioner shall annually on or before the thirty-first day of December, make a complete report to the Dog Warden, and a duplicate report to the Commissioner of Agriculture, setting forth the name of every owner of any dog or dogs, as well as indicating the sex of each dog.

8. There is hereby created a County Supervisory Committee for each county in the Commonwealth, such Committee shall be composed of: (1) The County Judge, if he chooses to serve, or in any county where the County Judge declines to serve the fiscal court shall appoint two laymen familiar with dogs to serve in his stead; (2) The county livestock inspector; (3) The County Health Officer; (4) The President of the Sheep Protective Association of the county. (5) In any county where the County Judge serves on the Committee the

fiscal court shall appoint a layman familiar with dogs to serve with the other officers named.

In any county where no Sheep Protective Association is in existence or where no County Health Officer has been appointed, the Committee shall be composed of the other persons named and upon the appointment of a County Health Officer or the organization of a Sheep Protective Association in such county the membership of the Committee shall be increased to the number designated herein. The Committee may, upon evidence deemed sufficient by a majority of the members, discharge the Dog Warden and appoint his successor. The Committee shall have complete jurisdiction over quarantine of dogs or other animals suspected of rabies or exposed to the disease and shall direct the Dog Warden to carry out such quarantine restrictions. When any dog owner shall feel aggrieved at any action of the Dog Warden, he shall have the privilege of appealing to the Committee for relief and the disposition of the case shall be entirely within the discretion of the Committee.

9. The owner of any dog shall, upon demand by the Committee, be required to have such dog inoculated against rabies by a licensed veterinarian, and it shall be the duty of the Committee to carefully study the number of cases of rabies among dogs and when, in the opinion of a majority of the Committee, there is a likelihood of the disease reaching epidemic proportions, such Committee may require the immediate inoculation of all dogs in the county. The Department of Agriculture through its veterinarians may inoculate dogs in such county without cost to the owner except for biologies. When inoculation has been declared necessary by the Committee, no dog owner shall be issued a license without such dog having first been inoculated.

10. Any person may kill any dog which he sees in the act of pursuing, worrying, or wounding any livestock, or attacking human beings, whether or not such dog bears the license tag required by the provisions of this Act, and he may kill any

dog that is mad or afflicted with hydrophobia. There shall be no liability on such person in damages or otherwise for such killings.

11. It shall be unlawful for any person, except the owner or authorized agent to remove any license tag from a dog.

12. It is unlawful for the owner or keeper of any female dog to permit such female dog to go beyond the premises of such owner or keeper at any time she is in heat, unless such female dog is held properly in leash.

13. Whenever any person sustains any loss or damage to any livestock or poultry by dogs, the County Judge shall, upon complaint, appoint two apraisers, subject to the approval of the Supervisory Committee, who shall investigate and ascertain the amount of damages sustained. Said appraisers shall both be resident landowners of the county and not related to claimant by either blood or marriage. Said appraisers shall examine under oath or affirmation any witness called before them. Any person owning, keeping, or harboring such dog or dogs shall be liable to the owner of such livestock or poultry in a civil action for all damages done and costs. But if it appears from the appraiser's report that the owner who suffers the loss will for any cause probably be unable to collect the damages done to his property by a civil action, said owner shall be reimbursed out of the livestock fund.

14. Upon making the examination, the County Judge shall immediately make a certificate that such appraisement was regularly and duly made. Such reports shall be filed with the Dog Warden, who shall immediately draw his order on the livestock fund in favor of the claimant for the amount of loss, together with necessary and proper costs incurred.

15. Maximum damage claims that may be paid are as follows: For each horse or mule, $75.00; for each head of cattle, $50.00; for each head of swine weighing over one hundred pounds, $15.00; and weighing under one hundred pounds, $7.50; for each head of grade sheep, $10.00; for each

head of grade lambs, $8.00; for each head of registered ewe, $15.00; for each registered ram, $20.00; for each head of registered or eligible to be registered lamb, upon presentation of registry certificate, $12.00; for each head of chicken or duck, $1.00; and for each head of turkey or geese, $3.00. Any valid claim or parts thereof for loss or damage to sheep, horses, mules, cattle or swine which have accrued under any general or local laws at any time, prior to the passage of this Act, shall not abate by reason of the repeal of such general or local Act, but shall be paid out of the same fund of the proper county. All claims or parts thereof remaining unpaid for any reason at the close of any year shall not abate, but shall continue as claims until paid in full. All claims shall be paid in the order that they are filed in.

16. The County Judge, upon a charge by any person, supported by oath or affirmation to the effect that any dog has killed or injured livestock or poultry, shall issue a summons ordering the person or persons summoned to produce the dog in court within three days. If the court, upon hearing, adjudges that the dog on trial has either killed or injured livestock or poultry, he shall enter an order directing said dog to be destroyed by the Dog Warden. The owner or person defending for a dog which has been convicted may, within three days, prosecute an appeal to the circuit court, which appeal shall be subject to the laws of this Commonwealth relating to civil appeals.

17. The Commissioner of Agriculture is charged with the general enforcement of this Act and shall have general supervision over the licensing and regulation of dogs and protection of livestock and poultry from damage by dogs in all counties. To this end, the Commissioner of Agriculture may make such rules and regulations as he may deem necessary for the enforcement of this Act. To that end, each Dog Warden shall on the first day of each month draw his warrant on the county treasurer in favor of the Commissioner of Agriculture for a sum equal to ten per cent (10%) of the amount

received for said licenses during the preceding month, such funds to be deposited with the Finance Department to the credit of the Dog Law Revolving Fund.

18. The Supervisory Committee in each county may elect to adopt either of the following options for compensating the Dog Warden for duties performed by him:

Option 1. The Dog Warden shall be entitled to forty per cent (40%) of the fees collected from the sale of dog licenses, and if this Option is adopted, the Dog Warden shall be entitled to the fee of five cents (5c) per dog for assessing such dogs and shall perform all of the duties of the Tax Commissioner as provided in Section 7 of this Act. The forty per cent (40%) plus the five cents (5c) per dog shall be in lieu of all other fees or compensation provided herein for the Dog Warden.

Option 2. The Dog Warden of each county shall be entitled to a fee of fifteen cents (15c) for each license issued by him, fifty cents (50c) for impounding a dog and fifty cents (50c) for keeping a dog. If impounded dogs are reclaimed, the owner of such dog or dogs shall pay the fees for impounding and keeping in addition to the regular license fee. If impounded dogs are not reclaimed, the Dog Warden shall receive fifty cents (50c) for the destruction of each dog.

19. All funds collected under the provisions of this Act shall be disbursed from the livestock fund in the following manner and in the exact order here designated: (1) The Dog Warden shall first receive fees due him at the rate of fifteen cents (15c) for each license sold, or the forty percent (40%) of the fees collected, depending upon which of the options as set forth in Section 18 of this Act is adopted. (2) The Commissioner shall receive ten per cent (10%) of the gross proceeds of dog licenses sales. (3) The county tax commissioner or the Dog Warden shall receive five cents (5c) for each dog assessed, depending upon which of the options as set forth in Section 18 of this Act is adopted. (4) In the event Option

2 of Section 18 is adopted, the Dog Warden shall receive impounding, keeping, and killing fees. (5) All expenses incurred under this Act necessary to the enforcement of the Act and approved by the Supervisory Committee shall be paid. (6) Damage claims for livestock as herein provided. (7) If on December 31st of any year after the enactment of this law all fees, expenses, damage claims, and all other items have been paid there still remains unused funds in the county livestock fund, such funds shall revert to the school fund of the county

20. Nothing in this Act shall be construed to prevent the ower of a licensed dog from recovering, by action at law, the value of any dog, which dog has been illegally killed by any officer, farmer, stockman or other person within the Commonwealth, from said officer, farmer, stockman or other person. In case such officer or other person fails to pay the value of such dogs so killed, the same shall be paid from the livestock fund. The value of said dog to be ascertained in the same manner and form as provided in this Act for assessing the damages done to livestock by dogs.

21. Nothing in this Act shall be construed to prevent the killing of a dog caught chasing deer at any time of the year, or to prevent the killing of dogs by any officer empowered to enforce the game laws of this Commonwealth when said dogs are pursuing game during the closed season for the training of dogs on game, providing said dogs are not under the immediate control or accompanied by their owner or keeper, and also provided that legal notice has previously been given said owner or keeper as required by the game laws of this Commonwealth.

22. Any person violating or refusing to comply with any of the provisions of this Act or violating or refusing to comply with any of the regulations promulgated by the Commissioner of Agriculture, as herein provided for, or interfering with the agents of the Commissioner or refusing to

comply with rules and regulations laid down by the Supervisory Committee or in any way hindering or obstructing any duly authorized official in the furtherance of his duties as herein provided, shall be guilty of a misdemeanor and shall be subject to a fine of not less than One Hundred Dollars ($100.00) and not more than Two Hundred Dollars ($200.00) for each offense. All fines collected hereunder shall be credited to the county livestock fund.

23. Inasmuch as the enforcement of the existing Dog Law is now extremely lax and a further delay in the enactment of this legislation will cause untold losses to livestock producers in all sections of the Commonwealth, an emergency is declared to exist, and this Act shall take effect and be in force from and after its passage and approval by the Governor.

24. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, Section 1 of this Act shall be treated as repealing KRS 29.230 (3) and all of KRS Chapter 258, except KRS 258.070, 258.090, 258.990 (1) and 258.990 (2), regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

Mr. Grace offered the following amendment to said Substitute, viz.:

Amend the Committee Substitute to H. B. 77 on page 7, Section 18, line 17 by adding the following:

"Every dog warden shall wear a scarlet uniform of the type to be selected by the herein named committee, that he shall at all times wear upon his left breast a shield five (5) inches in diameter and upon which is engraved the following words: 'Dog Warden'; that at all times said dog warden shall be diligent in his duties chasing dogs when he is not chasing blonds and Japanese."

Mr. George Anderson moved that said amendment be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Grace and Anderson, were as follows, viz.:

Those who voted in the affirmative were—

George P. Anderson	E. R. Hilton	H. C. Patterson
William F. Ball	Crow Jarvis	Paul Pelfrey
Sherman E. Carter	W. A. Lamkin	Dr. M. M. Robinson
Oris Cooper	Dr. Wm. C. Mann	J. Claude Stacy
M. A. Cornett	Ed. Marcum	C. R. Walden
Dr. J. A. Duff	C. C. May	H. A. Ward
Joseph J. Grace	Coy Nevitt	20

Those who voted in the negative were—

C. W. Anderson, Jr.	John S. Juett	Dr. K. N. Salyer
Henry Arrowood	H. W. Linville	Carl Scheben
Robert E. Barry	A. L. Love	Leon J. Shaikun
W. T. Beard	William Lovett	Faust Y. Simpson
Robert E. Beatty	Hugh D. Lyon	Otto Smither
Douglas T. Bolling	H. McCartney	Charles L. Spilman
Gus A. Brooks	Cary McDevitt	James D. Stacey
C. L. Clayton	J. Milton Mefford	R. C. Stephenson
T. Fowler Combs	D. J. Moore	Thomas M. Swope
John Henry Cox	J. Lee Moore	C. W. Taylor
Rev. W. W. Crouch	C. E. Montgomery	Egbert Taylor
Guthrie F. Crowe	F. E. Morancy	Roy L. Taylor
Forest C. Easley	E. R. Morlidge	Rev. H. Tinsley
John D. Fields	C. Sid Nabb	John L. Trumbo
T. P. Fitzpatrick	Robert Nicholas	Erna E. Tyra
A. G. Hamilton, Jr.	B. W. Porter	J. Wood Vance
Fuller Harding	Kleber F. Price	S. J. Wagner
Jerry F. Howell	James E. Quill	Henry Ward
Chas. O. Humston	L. Allen Rhoads	H. L. Waterfield
W. H. Hunt	Dr. J. J. Rice	E. Reed Wilson
Joe B. Jarboe, Jr.	Wade H. Riley	
William L. Jones	Byron H. Royster	—64

Said amendment as offered by Mr. Grace was then disagreed to.

Mr. Rice offered the following amendments to said bill, viz.:

1. Amend Substitute for H. B. 77 on page 5, section 14 line 3 by striking out the period after the word "made" and inserting the followning:

"and submit same to the fiscal court which may confirm, modify or set aside the appraisal."

2. Amend Substitute for H. B. 77 on page 5, section 14 line 4 by inserting after the word "immediately" the following:

"if the appraisal is approved."

Said amendments were each agreed to.

Mr. Crouch moved the Previous Question.

Without objection said motion was withdrawn by Mr. Crouch.

Mr. Shaikun offered the following amendment to said bill, viz.:

Amend Substitute for H. B. 77 on page 9, Section 22 line 9 by striking out the words and numeral "One hundred dollars ($100.00)" before the word "than" and inserting the words and numerals "Five dollars ($5.00)" after the word "than".

Said amendment was agreed to.

Mr. J. Lee Moore offered the following amendment to said bill, viz.:

Amend the Substitute for H. B. 77 on page 8, section 19 subsec. 7 by striking out all of subsection (7).

Said amendment was agreed to.

Mr. Simpson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the negative.

Mr. Shaikun moved that said bill be made a Special Order of the Day for Wednesday, January 28 at eleven o'clock A. M.

Said motion was agreed to.

By order of the Speaker and without objection, the session of today was extended indefinitely.

A message was received from the Senate, announcing that they had passed bills which originated in that body, entitled:

S. B. 38. An Act providing that indexes to county records, which have been prepared by the Works Projects Administration or other appropriate federal agency, may be adopted by the county courts as the official indexes to the county records; providing the procedure by which said indexes may be so adopted; prescribing the duties of the county court clerks with reference thereto; and declaring that an emergency exists and that this act shall become effective immediately.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. In any county where indexes to the records of deeds, mortgages, wills, marriages, or other public records have been or may hereafter be prepared by the Works Projects Administration or other appropriate agency of the United States government, such indexes, or any of

them may be adopted as the official general cross indexes of such records in the manner provided by this section in addition to each individual book index. Upon the completion of any such indexing project by the said Works Project Administration or other agency, or at any time thereafter, any citizen of the county may petition the county court to have said index adopted as the official index. Upon the filing of the petition, the court may forthwith by appropriate order designate a licensed attorney practicing in the county who with the county attorney and county court clerk shall comprise a commission to examine the index proposed to be adopted and ascertain whether the index is a complete and accurate index of the records to which it pertains. The commission shall thereupon make such examintion as may be necessary to ascertain to its satisfaction whether such index is complete and accurate. Upon completion of such examination, the commission shall make a written report to the court of the results thereof and of its recommendations, which report shall lie over for exceptions until the second regular term of the county court thereafter held. Notice of the filing of said report shall be given by the clerk by publication in at least two issues of a daily newspaper published in said county, or if there be no daily newspaper, in a weekly newspaper, or if there be no weekly newspaper, by written or printed notices posted at the courthouse door and in the county court clerk's office. Exceptions may be filed by any interested person, and if filed shall be heard and determined as in other cases. If no exceptions are filed thereto, or upon the exceptions (if any) the court shall hear such proof as may be thought proper respecting the report filed by the clerk and the exceptions, and shall judicially determine whether the said index is complete and accurate, and if it is determined that the index is complete and accurate, an order shall be entered adopting said index; provided, that if from such report or such proof it appears that corrections

or additions should be made to such index in order to render it accurate and complete, the order may direct that such corrections or additions shall be made by the clerk, and in that event it shall be the duty of the clerk to make such corrections or additions forthwith, and upon his report that he has done so an order shall be entered adopting the index as so corrected. If adopted, said index shall thereupon become the official general cross index of the records to which it pertains, and all persons shall be entitled to rely thereon to the same extent as if the index had been prepared by the clerk of the county court. Upon the adoption of any such index, it shall be the duty of the clerk to bring same up to date from the point at which same ceased to be made by the federal agency which prepared it, and to continue and maintain said index thereafter in lieu of the indexing system theretofore used, except he will continue to keep the regular individual book index, and to index all instruments lodged for record in conformity therewith. The indexes theretofore used shall not be destroyed after the adoption of the new indexes, but shall be safely kept by the clerk as other records are kept, subject to inspection by any person interested therein.

SECTION 2. Expenses incurred by the county clerk under the provisions of this act shall be paid by the fiscal court of the county.

SECTION 3. By reason of the fact that in several of the counties of this Commonwealth indexes have been prepared which are suitable for adoption under the foregoing section, an emergency is declared to exist with respect thereto, and this act shall therefore become effective immediately.

S. B. 15. An Act relating to crimes and punishments, with particular relation to crimes concerning vehicles and accessories thereto, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. § 2739g-55 of Carroll's Kentucky Statutes, 1936 edition is amended to read as follows:

(1) Except as provided in subsection (2) of this section, any person who breaks, damages or removes any part or any accessory of any motor vehicle against the will or without the consent of the owner of the vehicle, whether maliciously or otherwise, shall be fined not less than ten dollars nor more than two thousand dollars, or imprisoned for not more than one year, or both.

(2) Any person who steals a tire that is used or usable on a motor vehicle whether or not such tire is at the time of the stealing on a motor vehicle, or who feloniously converts to his own use any such tire belonging to another, or who willfully and feloniously mutilates or destroys any such tire not his own without the consent of the owner of the tire, shall be confined in the penitentiary for not less than one year nor more than five years.

If any person buys any motor vehicle tire or tires, or other accessories from any person other than a person, firm, or corporation regularly engaged in the sale of tires or accessories, it shall be prima facie evidence of having received stolen property, and if any person shall buy any such stolen tire or tires or accessories, upon conviction, he shall be confined in the penitentiary for not less than one nor more than five years.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 433.630, and thereafter be treated as an amendment to KRS 433.630 rather than an amendment to § 2739g-55 of Carroll's Statutes.

Paragraph 3. On account of the scarcity of automobile tires and accessories caused by worldwide conditions, an

emergency is hereby declared to exist and this act shall become effective immeditely after its passage and approval by the Governor.

Ordered that said bills be referred and printed.

Mr. Henry Ward moved that the Rules of this House be suspended for the purpose of introducing bills.

Said motion was agreed to.

Thereupon the following bills were introduced, viz.:

By Mr. J. D. Stacey.

H. B. 166. An Act relating to crimes and punishment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 1136 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

The jury by whom an accused is tried shall determine only the guilt or innocence of the accused, and the court shall fix punishment to be inflicted within the periods or amounts to be allowed by law. Persons sentenced to punishment by confinement in the penitentiary shall be kept at hard labor. If the punishment is a fine or imprisonment in the county jail, or both, the imprisonment shall be by close confinement in the jail of the county where the trial was held, unless otherwise provided. The prisoner shall also be confined in the jail until the costs are paid, unless otherwise provided. In any jurisdiction where there is a county workhouse, the court may in its discretion confine the prisoner in the county workhouse instead of the county jail.

§ 2. Sections 1377 and 1378 are consolidated and amended to read as follows:

When the punishment for crime is a fine or imprisonment in the county jail, or both, and the defendant is a male, the

court may, in its discretion, render judgment that the defendant shall work at hard labor until the fine and costs are satisfied, or during the time of his sentence of imprisonment, or both. Defendants shall be allowed two dollars per day on fines and costs for work at hard labor.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 431.130, and thereafter be treated as an amendment to KRS 431.130 rather than an amendment to section 1136 of Carroll's Statutes.

§ 4. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section two of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 431.140, and thereafter be treated as an amendment to KRS 431.140 rather than an amendment to sections 1377 and 1378 of Carroll's Statutes.

By Mr. Wagner.

H. B. 167. An Act relating to alcoholic liquors.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Section 3, Chapter 15, Acts of the General Assembly of 1940 is hereby repealed, amended and reenacted so that when reenacted it will read as follows:

§ 1. Applications for any license provided for in Section 18 of Chapter 2, Acts of the Regular Session of the 1938 General Assembly, shall be made to the Administrator of the Distilled Spirits Unit at his office in Frankfort, Kentucky; shall be in writing on forms furnished by the Department of Revenue, and verified; and shall set forth in detail such information concerning the applicant and the premises for

which the license is sought as said Act or the State Board shall by regulation require. Said application shall be accompanied by a certified check, or cash, or a postal or express money order for the amount of money required by the Act for a license of the kind applied for. If the Administrator shall approve the application, he shall issue the proper license in such form as shall be determined by the State Board of regulation, subject to the provisions of section 38 of Chapter 2, Acts of the Regular Session of the 1938 General Assembly.

No license except those provided in subsection (6) and (8) of section 29 of Chapter 2, Acts of the Regular Session of the 1938 General Assembly, shall be issued in less than twenty (20) days or delivered in less than thirty (30) days from the time the application and remittance were received by the Department of Revenue; except that a Special Agent's or Solicitor's License, as authorized under subsection (4) of Section 30 of Chapter 2, Acts of the Regular Session of the 1938 General Assembly, may be issued by the Administrator at the expiration of five (5) days from the date on which the application for said license was received by the Department of Revenue.

Provided, however, that renewals of licenses may be issued by the Administrator within five (5) days after receipt of said renewal application.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

"(1) If the state administrator approves the application he shall issue the proper license.

(2) A special agent's or solicitor's license may be issued at the expiration of five days after the application is received by the department. No other license provided for in KRS 243.020 to 243.670, except those provided in KRS 243.040 and

subsections (15) and (17) of KRS 243.030, shall be issued in less than twenty days or delivered in less than thirty days after the application and remittance are received by the department.

(3) Renewals of licenses may be issued by the administrator within five days after receipt of renewal application.'' The provision so substituted by this section shall thereafter be treated as an amendment to KRS 243.430 rather than an amendment to 1940, c. 15, § 3, and KRS 243.380 shall remain in full force and effect and shall not be treated as affected by this Act.

By Mr. Humston.

H. B. 168. An Act relating to fish and game.

Said bill is as follows, viz:

Be it Enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 2 of Chapter 88, of the Acts of 1940, compiled as § 1954a-16 of Baldwin's 1940 Supplement is amended to read as follows:

The fees required for licenses provided for by this Act shall be as follows:

A license authorizing the holder thereof to hunt within the boundaries of the county for which it is issued shall be one ($1.00) dollar, and said license shall be valid in such county and in any and all counties which border onto and adjoin such county.

The fee for a statewide hunting license shall be three ($3.00) dollars and shall authorize the holder thereof to exercise the privilege of hunting in any county in the State of Kentucky without the necessity of purchasing any additional license or paying any additional fee.

Fishing license	$ 1.00
Trapping license	1.00

Seining license and one tag for 100 feet of seine or part thereof	5.25
Additional tags per 100 feet of seine or part thereof	2.00
Hoop net license	1.25
Each additional hoop net	1.00
Fur bnyers or dealers	2.00

As to nonresidents of Kentucky:

Hunting license (limited to one season)	15.50
Fishing license (limited to one season)	2.50
Fishing license (for 7 consecutive days)	1.00
Trapping license	10.50
Seining license	10.50
Tags per hundred feet of seine or part thereof	4.00
Hoop net license	2.50
Each additional hoop net	2.00
Fur buyers or dealers	75.00

In each of the non-resident, seven consecutive day licenses issued, the County Clerk shall state the day such license begins.

And provided further that no person shall take or trap for any wild animals or fish or take wild birds, without having the license provided therefor in his possession and the button or badge provided therewith attached to the outside of his clothing in a conspicuous manner, and upon the failure to do so, he shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars, nor more than one hundred dollars for each offense.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and paragraph (f) of subsection (1) of KRS 150.220 shall stand amended to read as follows:

"(f) County hunting license $1.00

A county hunting license authorizes the holder to hunt within the boundaries of the county for which it is issued and in any and all counties which border onto and adjoin such county.''

The provision so substituted by this section shall thereafter be treated as an amendment to KRS 150.220 (1) (f) rather than an amendment to 1940, c.88, § 2, and KRS 150.990 shall remain in full force and effect and shall not be treated as affected by this Act.

By Mr. Rhoads.

H. B. 169. An Act relating to revenue and taxation of gasoline.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4281g-7 of Carroll's Kentucky Statutes, 1936 Edition, is repealed.

§ 2. Section 4281g-19 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

If any dealer files a false monthly report of the date or information required by §§ 4281g-1 to 4281g-20, or fails, refuses or neglects to file the monthly report required by those sections, even though no tax is due, or to pay the full amount of tax as required by those sections, the dealer may be cited by the Department of Revenue to show cause at a public hearing before the Kentucky Tax Commission why his license should not be revoked by the Commission. The dealer shall be notified by registered letter or summons. The letter or summons shall appraise the dealer of the charge or charges made against him and he shall have a reasonable opportunity to be heard before his license may be revoked. The summons may be served in the same manner and by the same officers or persons as provided by the Kentucky Civil

Code of Practice, or it may be served in said manner by an employee of the Department of Revenue. The hearing shall be set at least five (5) days after the summons is served or the letter delivered. Any aggrieved dealer may appeal from order of the Kentucky Tax Commission in the manner provided for appeals from other of its rulings subject to the condition that he make bond sufficient in the opinion of the Department of Revenue to protect the Commonwealth from loss of revenue.

The Department is hereby given the power to cancel the license upon request in writing of the dealer, such cancellation to become effective sixty (60) days from the date of receipt of the request. But no license shall be canceled upon the request of any dealer until and unless the dealer, prior to the date of such cancellation, pays to the state all excise taxes payable under the laws of the state together with any and all penalties and fines accruing by reason of any failure on the part of the dealer to make accurate reports as required or pay such taxes and penalties.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section two of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 138.340, and shall thereafter be treated as an amendment to KRS 138.340 rather than an amendment to § 4281g-19 of Carroll's Statutes; the numbers "KRS 138.220 to 138.280" shall be substituted for §§ 4281g-1 to 4281g-20 in section two of this Act, and paragraph (a) of subsection (1) of KRS 138.240 shall stand repealed.

By Mr. J. D. Stacey.

H. Res. 31. A Joint Resolution authorizing F. F. Robbins of Brodhead, Kentucky, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

THAT F. F. Robbins, Brodhead, Kentucky, is authorized to sue the Commonwealth of Kentucky in Rockcastle Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $1,500.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolution be printed and referred.

Mr. Love moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.

WEDNESDAY, JANUARY 28, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson, Jr.	Chas. O. Humston	H. C. Patterson
George P. Anderson	W. H. Hunt	Paul Pelfrey
Robert E. Barry	Joe B. Jarboe, Jr.	B. W. Porter
W. T. Beard	Crow Jarvis	Kleber F. Price
Robert E. Beatty	William L. Jones	James E. Quill
Rell Bevins	John S. Juett	L. Allen Rhoads
Douglas T. Bolling	W. A. Lamkin	Dr. J. J. Rice
Gus A. Brooks	H. W. Linville	Wade H. Riley
Sherman E. Carter	A. L. Love	Dr. M. M. Robinson
C. L. Clayton	William Lovett	Byron H. Royster
T. Fowler Combs	Harry K. Lowman	Dr. K. N. Salyer
M. A. Cornett	Hugh D. Lyon	Carl Scheben
John Henry Cox	H. McCartney	Leon J. Shaikun
Rev. W. W. Crouch	Norris McPherson	Faust Y. Simpson
Guthrie F. Crowe	Dr. Wm. C. Mann	Clyde Smith
Pink G. Curd	Ed. Marcum	Otto Smither
Dr. J. A. Duff	C. C. May	Charles L. Spilman
Forest C. Easley	J. Milton Mefford	James D. Stacey
Harry W. Ennis	Sam Milam	J. Claude Stacy
John D. Fields	D. J. Moore	R. C. Stephenson
T. P. Fitzpatrick	J. Lee Moore	Thomas M. Swope
W. W. Freeman	L. D. Moore	C. W. Taylor
Joseph J. Grace	C. E. Montgomery	Egbert Taylor
A. G. Hamilton, Jr.	F. E. Morancy	Roy L. Taylor
Fuller Harding	E. R. Morlidge	Rev. H. Tinsley
E. R. Hilton	C. Sid Nabb	Erna E. Tyra
Clyde S. Howard	Coy Nevitt	J. Wood Vance
Jerry F. Howell	Robert Nicholas	S. J. Wagner

C. R. Walden
Harry Walters
H. A. Ward
Henry Ward
H. L. Waterfield
E. Reed Wilson
Stanley S. Dickson, Speaker

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Henry Ward sent to the Clerk's desk the following petition:

Whereas, much publicity is being given to the proposed measure—House Bill 146—to enable Kentucky cities to contract with the Tennessee Valley Authority for power, and

Whereas, propaganda being distributed against the measure contains misleading and false statements, now therefore

The Members of the House of Representatives are respectfully petitioned to withhold their judgment on the measure and to study the proposal so that they may be informed accurately as to what it contains, and they are petitioned to attend a public hearing to be held on Tuesday, February 3, in the House chamber on H. B. 146.

Which was read before the House.

Mr. Royster moved that the privilege of the floor be extended to Mr. Lorenzo K. Wood of Louisville, Kentucky.

Said motion was agreed to.

Mr. Bevins moved that the privilege of the floor be extended to Dr. G. C. Bentley of Pikeville, Kentucky.

Said motion was agreed to.

Mr. A. G. Hamilton moved that the privilege of the floor be extended to Messrs. Ottis White, B. H. Embry, V. L. Hudnell and Archie Phelps of Butler County.

Said motion was agreed to.

Mr. Barry moved that the privilege of the floor be extended to Mr. Mark Beauchamp and Miss Jane Beauchamp.

Said motion was agreed to.

Mr. Juett moved that the privilege of the floor be extended to Miss Catherine Arnold of Williamstown, Kentucky.

Said motion was agreed to.

Mr. Rhoads moved that the privilege of the floor be extended to Judge Fred Crooks and Mr. Charles Yates of Henderson, Kentucky.

Said motion was agreed to.

The hour of eleven o'clock A. M. having arrived, that being the hour of the Special Order of the Day, to wit: a bill entitled:

H. B. 77. An Act relating to dogs.

With sundry amendments heretofore agreed upon, thereto.

The House took up for consideration, said bill.

(For bill and amendments heretofore agreed upon, see House Journal of yesterday.)

Mr. Simpson offered the following amendment to said bill, viz.:

Amend Substitute for H. B. 77 on page 1, section 3 line 5 after the word "Act" and before the word "it" inserting the following:

The Supervisory Committee in each county shall require the Dog Warden to execute a bond indemnifying the county

against loss of monies handled by such Dog Warden. The amount of the bond shall be determined by the Supervisory Committee in each county, and such bond shall be in a sufficient amount to reasonably protect the livestock fund. In addition to the foregoing bond, the Dog Warden shall execute an official bond in the sum of $1000.00.

Amend the Substitute on page 2, section 5 line 8 after the word "less", strike the words "and Twenty Five Dollars ($25.00) for more than ten dogs." and insert in lieu thereof the following:

Fifteen Dollars ($15.00) for more than ten but not more than fifteen dogs, Twenty Dollars ($20.00) for more than fifteen dogs but not more than twenty dogs, and Twenty-Five Dollars ($25.00) for more than twenty dogs.

Said amendments were each agreed to.

Mr. Shaikun offered the following amendments to said bill, viz.:

Amend Substitute for H. B. 77 on page 2, section 4 by striking out the entire section 4.

Amend Substitute for H. B. 77 on page 1, section 3, line 1 by striking out the words "except as provided in Section 4 hereof, upon the enactments" and inserting in lieu therefor the words "upon the enactment of"

Said amendments were each agreed to.

Mr. Simpson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Said Substitute was then adopted, as amended.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with and the same being engrossed, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Robert E. Barry	H. McCartney	Leon J. Shaikun
Robert E. Beatty	Cary McDevitt	Faust Y. Simpson
C. L. Clayton	J. Milton Mefford	Otto Smither
Guthrie F. Crowe	D. J. Moore	Charles L. Spilman
T. P. Fitzpatrick	C. E. Montgomery	C. W. Taylor
Jerry F. Howell	E. R. Morlidge	Roy L. Taylor
Chas. O. Humston	C. Sid Nabb	Rev. H. Tinsley
Joe B. Jarboe, Jr.	Robert Nicholas	S. J. Wagner
Crow Jarvis	B. W. Porter	Harry Walters
William L. Jones	Kleber F. Price	Henry Ward
A. L. Love	James E. Quill	H. L. Waterfield
William Lovett	Dr. J. J. Rice	E. Reed Wilson
Harry K. Lowman	Dr. M. M. Robinson	
Hugh D. Lyon	Carl Scheben	—40

Those who voted in the negative were—

George P. Anderson	Rev. W. W. Crouch	E. R. Hilton
William F. Ball	Pink G. Curd	John S. Juett
W. T. Beard	Dr. J. A. Duff	W. A. Lamkin
Rell Bevins	Forest C. Easley	H. W. Linville
Douglas T. Bolling	Harry W. Ennis	Dr. Wm. C. Mann
Gus A. Brooks	John D. Fields	Ed. Marcum
Sherman E. Carter	W. W. Freeman	C. C. May
T. Fowler Combs	Joseph J. Grace	Sam Milam
Oris Cooper	A. G. Hamilton, Jr.	J. Lee Moore
M. A. Cornett	Fuller Harding	L. D. Moore

F. E. Morancy	Dr. K. N. Salyer	Egbert Taylor
Coy Nevitt	Clyde Smith	J. Wood Vance
H. C. Patterson	James D. Stacey	C. R. Walden
Paul Pelfrey	J. Claude Stacy	H. A. Ward
Wade H. Riley	R. C. Stephenson	
Byron H. Royster	Thomas M. Swope	—46

Mr. Simpson moved that the vote by which said bill was rejected, be reconsidered.

Said motion was agreed to.

Mr. Milam moved that said bill be laid on the Clerk's desk.

Said motion was agreed to.

Mr. Henry Ward moved that a bill entitled:

H. B. 127. An Act relating to game and fish.

Be recommitted to the Committee on Fish and Game No. 1-A with instructions.

Mr. Walters moved that said motion be laid on the table.

Said motion was disagreed to.

The yeas and nays being required thereon by Messrs. Henry Ward and Walters, were as follows, viz.:

Those who voted in the affirmative were—

Douglas T. Bolling	Norris McPherson	J. Claude Stacy
Guthrie F. Crowe	Ed. Marcum	Roy L. Taylor
Forest C. Easley	C. E. Montgomery	Rev. H. Tinsley
T. P. Fitzpatrick	Robert Nicholas	Harry Walters
W. W. Freeman	Kleber F. Price	Henry Ward
John S. Juett	Dr. J. J. Rice	
Hugh D. Lyon	Dr. M. M. Robinson	—19

Those who voted in the negative were—

C. W. Anderson, Jr.	Jerry F. Howell	Coy Nevitt
George P. Anderson	W. H. Hunt	H. C. Patterson
Robert E. Beatty	Joe B. Jarboe, Jr.	Paul Pelfrey
Rell Bevins	Crow Jarvis	James E. Quill
Gus A. Brooks	William L. Jones	L. Allen Rhoads
Sherman E. Carter	W. A. Lamkin	Wade H. Riley
C. L. Clayton	H. W. Linville	Byron H. Royster
Oris Cooper	H. McCartney	Dr. K. N. Salyer
M. A. Cornett	Dr. Wm. C. Mann	Carl Scheben
John Henry Cox	C. C. May	James D. Stacey
Rev. W. W. Crouch	J. Milton Mefford	Egbert Taylor
Dr. J. A. Duff	Sara Milam	Erna E. Tyra
Harry W. Ennis	D. J. Moore	J. Wood Vance
John D. Fields	L. D. Moore	S. J. Wagner
A. G. Hamilton, Jr.	F. E. Morancy	H. A. Ward
Fuller Harding	E. R. Morlidge	H. L. Waterfield
Clyde S. Howard	C. Sid Nabb	E. Reed Wilson

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Without objection, the motion as made by Mr. Henry Ward was withdrawn.

The Speaker announced that he had referred bills and resolutions heretofore introduced, as follows, viz.:

H. B. 152 To Committee on Revenue and Taxation No. 1.

H. B. 153 To Committee on Kentucky Statutes No. 1.

H. B. 154 To Committee on Education No. 1.

H. B. 155 To Committee on Circuit Courts.

H. B. 156 To Committee on Revenue and Taxation No. 1.

H. B. 157 To Committee on Motor Transportation.

H. B. 158 To Committee on Revenue and Taxation No. 1.

H. B. 159 To Committee on Fish and Game No. 1.

H. B. 160. To Committee on Fish and Game No. 1.

H. B. 161 To Committee on Kentucky Statutes No. 1.

H. B. 162 To Committee on Appropriations No. 1.

H. B. 163 To Committee on Public Bridges and Ferries.

H. B. 164 To Committee on Constitutional Amendments.

H. B. 165 To Committee on Appropriations No. 1.

H. B. 166 To Committee on Circuit Courts.

H. B. 167 To Committee on Alcoholic and Liquor Control No. 1.

H. B. 168 To Committee on Fish and Game No. 1-A.

H. B. 169 To Committee on Revenue and Taxation No. 1.

H. Res. 29 To Committee on Claims.

H. Res. 30 To Committee on Oils and Minerals.

H. Res. 31 To Committee on Claims.

S. Res. 6 To Committee on Appropriations No. 1.

S. B. 3 To Committee on Kentucky Statutes No. 1.

S. B. 13 To Committee on Kentucky Statutes No. 1.

S. B. 15 To Committee on Criminal Law.

S. B. 17 To Committee on Kentucky Statutes No. 1.

S. B. 23 To Committee on Criminal Law.

S. B. 30 To Committee on Cities of First Class.

S. B. 33 To Committee on Cities of First Class.

S. B. 34 To Committee on Cities of First Class.

S. B. 38 To Committee on Cities of Second Class.

S. B. 50 To Committee on Cities of First Class

S. B. 51 To Committee on Cities of First Class.

Mr. Ward moved that the House do now recess until one-thirty o'clock P. M.

Said motion was agreed to.

And then the House recessed.

The hour of one-thirty o'clock P. M. having arrived, the Speaker resumed the Chair and called the House to order.

Mr. Harding moved the privilege of the floor be extended to Mr. R. Walker Wilson of Campbellsville, Kentucky.

Said motion was agreed to.

Mr. Easley moved that the privilege of the floor be extended to Messrs. J. D. Hamilton and L. E. Tipton.

Said motion was agreed to.

Mr. Morancy moved that the privilege of the floor be extended to Mr. Thomas Hinton of Lexington, Kentucky.

Said motion was agreed to.

Mr. Bolling moved that the privilege of the floor be extended to The Honorable Fred Weir, mayor of the City of Owensboro and Kennie Bodwell, Chief of Police of the City of Owensboro.

Said motion was agreed to.

Mr. Henry Ward moved that the Rules of this House be suspended and that the House proceed with the regular Order of Business.

Said motion was agreed to.

The Committees to which the same had been previously referred, reported bills of the following titles, viz.:

By Mr. Jarvis of the Committee on Public Ditches.

H. B. 133. An Act to amend and re-enact Sec. 2380c-1 of Carroll's Kentucky Statutes.

By Mr. Hilton of the Committee on Railroads.

H. B. 129. An Act relating to a tranfer out of interest in the Unemployment Trust Fund and declaring an emergency.

Mr. Ray Stephenson of the Committee on Codes of Practice.

H. B. 64. An Act to revise probate procedure.

With a Committee Amendment thereto.

H. B. 63. An Act to abolish vested dower and to provide for widows a more equitable share under the law of descent and distribution.

With the expression of opinion that said bills ought to pass.

Said bills were each and severally read at length the first time and ordered to be placed on the Calendar.

Mr. Wagner of the Contest Committee heretofore selected by this House in accordance with the provisions of the Constitution and Statutes of this Commonwealth to hear the contest and to determine the right to a seat in this House from the 17th Legislative District composed of the county of Muhlenberg in the case of Hunt versus Stone, offered the following report:

By agreement of the parties to the contest, through their attorneys, the sole question for this Committee to decide was the validity of a certain type of ballot. The Committee thereupon enngaged the services of Judge Richard Priest Dietzman as Commissioner for the purpose of ascertaining the validity of the contested ballots.

Commissioner Dietzman, in a written opinion based on Kentucky law, reported to this Committee that the contested type of ballot is clearly invalid, and therefore, could not be counted for the contestant.

As a result, this Committee unanimously holds that the contest fails and that Mr. W. H. Hunt, the contestee, is entitled to represent the 17th Legislative District in the General Assembly during this session and until December 31, 1943.

Sylvester J. Wagner, Chairman
William T. Beard, Secretary
John H. Cox
Crow Jarvis
Egbert Taylor
L. D. Moore
Gus A. Brooks
Charles L. Spilman
W. W. Crouch

Mr. Wagner moved that said report be adopted and approved by the House.

Said motion was agreed to.

Said report was then approved and adopted.

Thereupon the Speaker declared the said W. H. Hunt from the 17th Legislative District composed of the county of Muhlenberg, to be duly and regularly a member of this House and entitled to all the rights and privileges of this House.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 120. An Act concerning the manner of commitment of incompetent veterans of the World War, etc.

H. B. 72. An Act relating to trained nurses.

With a Committee Amendment thereto.

H. B. 134. An Act providing for the creation and establishment of public road districts.

H. B. 88. An Act to repeal, amend and re-enact Sec. 1954d-45 Kentucky Statutes, Baldwin's 1939 Supplement, relating to taking of Mussels.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, to-wit: a bill entitled:

S. B. 10. An Act amending the Reorganization Act.

With a Committee amendment thereto, heretofore adopted by the House, and

With a pending amendment as offered by Mr. Waterfield.

The House took up for immediate consideration said bill.

(For bill and amendments, see House Journal of yesterday.)

The amendment as offered by Mr. Waterfield was disagreed to.

The yeas and nays being required thereon by Messrs. Waterfield and Royster, were as follows, viz.:

Those who voted in the affirmative were—

Robert E. Beatty	Jerry F. Howell	Byron H. Royster
Gus A. Brooks	Chas. O. Humston	Dr. K. N. Salyer
Fuller Harding	Sam Milam	H. L. Waterfield

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Those who voted in the negative were—

C. W. Anderson, Jr.	W. W. Freeman	J. Milton Mefford
George P. Anderson	Joseph J. Grace	D. J. Moore
William F. Ball	E. R. Hilton	J. Lee Moore
Robert E. Barry	Clyde S. Howard	L. D. Moore
W. T. Beard	W. H. Hunt	C. E. Montgomery
Rell Bevins	Joe B. Jarboe, Jr.	F. E. Morancy
Douglas T. Bolling	Crow Jarvis	E. R. Morlidge
Sherman E. Carter	John S. Juett	C. Sid Nabb
C. L. Clayton	W. A. Lamkin	Coy Nevitt
T. Fowler Combs	A. L. Love	Robert Nicholas
Oris Cooper	Harry K. Lowman	H. C. Patterson
M. A. Cornett	Hugh D. Lyon	B. W. Porter
John Henry Cox	H. McCartney	Kleber F. Price
Guthrie F. Crowe	Norris McPherson	James E. Quill
Forest C. Easley	Dr. Wm. C. Mann	Dr. J. J. Rice
Harry W. Ennis	Ed. Marcum	Wade H. Riley
T. P. Fitzpatrick	C. C. May	Dr. M. M. Robinson

Carl Scheben	J. Claude Stacy	Erna E. Tyra
Leon J. Shaikun	R. C. Stephenson	S. J. Wagner
Faust Y. Simpson	Thomas M. Swope	C. R. Walden
Clyde Smith	C. W. Taylor	Harry Walters
Otto Smither	Egbert Taylor	Henry Ward
Charles L. Spilman	Roy L. Taylor	E. Reed Wilson
James D. Stacey	Rev. H. Tinsley	—71

Mr. Henry Ward moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title only and passed, as amended.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Guthrie F. Crowe	W. H. Hunt
George P. Anderson	Pink G. Curd	Joe B. Jarboe, Jr.
William F. Ball	Dr. J. A. Duff	John S. Juett
Robert E. Barry	Forest C. Easley	W. A. Lamkin
W. T. Beard	Harry W. Ennis	A. L. Love
Rell Bevins	John D. Fields	Harry K. Lowman
Douglas T. Bolling	T. P. Fitzpatrick	Hugh D. Lyon
Sherman E. Carter	W. W. Freeman	H. McCartney
C. L. Clayton	Joseph J. Grace	Norris McPherson
T. Fowler Combs	A. G. Hamilton, Jr.	Dr. Wm. C. Mann
Oris Cooper	Fuller Harding	Ed. Marcum
M. A. Cornett	E. R. Hilton	C. C. May
John Henry Cox	Clyde S. Howard	J. Milton Mefford
Rev. W. W. Crouch	Chas. O. Humston	D. J. Moore

J. Lee Moore	Dr. J. J. Rice	Thomas M. Swope
L. D. Moore	Wade H. Riley	C. W. Taylor
C. E. Montgomery	Dr. M. M. Robinson	Egbert Taylor
F. E. Morancy	Dr. K. N. Salyer	Roy L. Taylor
E. R. Morlidge	Carl Scheben	Rev. H. Tinsley
C. Sid Nabb	Faust Y. Simpson	Erna E. Tyra
Coy Nevitt	Clyde Smith	S. J. Wagner
Robert Nicholas	Otto Smither	Harry Walters
B. W. Porter	Charles L. Spilman	Henry Ward
Kleber F. Price	James D. Stacey	E. Reed Wilson
James E. Quill	J. Claude Stacy	
L. Allen Rhoads	R. C. Stephenson	—76

Those who voted in the negative were—

Robert E. Beatty	Sam Milam	H. L. Waterfield
Gus A. Brooks	H. C. Patterson	
Jerry F. Howell	Byron H. Royster	—7

Resolved that the title thereof be as aforesaid.

Mr. Henry Ward moved that the vote by which said bill was passed, as amended, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Without objection, the session of today was extended indefinitely by order of the Speaker.

Mr. Beard of the Committee on Enrollment reported that they had examined and found to be correctly enrolled, a bill which originated in the Senate, entitled:

S. B. 1. An Act to provide for a State Defense Organization.

Thereupon all other business was suspended, said bill was read at length and compared in open session and found to be correctly enrolled, and thereupon, the Speaker in open

session and in the presence of the House, affixed his signature thereto.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 28. An Act relating to the keeping of a record of livestock and wool transactions, and the submission of said record, and providing penalties for violation thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That every person, firm, corporation or partnership having an established place of business where livestock or wool is received for the purpose of being dealt in, bought or sold, or offered for sale, shall keep a record, in duplicate, of all receipts of livestock or wool which is dealt in, bought or sold, or offered for sale, which record shall contain the following information:

(1) Name and address of the owner of the livestock or wool;

(2) Name and operator's license number of the person delivering such livestock or wool;

(3) The date, the number, kind, breed and quantity of such livestock or wool;

(4) The license number of the motor vehicle delivering same.

This record shall be subject to inspection by all police or peace officers and all highway patrolmen for a period of six (6) months from the date of such record. Upon the demand of the sheriff of any county, or a chief of police of

any municipality, any person, firm, corporation or partnership of that county required to make and keep the above described record shall present in person, or transmit by mail at the expense of the requesting authority, for his inspection, such records or duplicate copies thereof.

§ 2. Any person required to give the above information at a place of business where livestock or wool is received for the purpose of being dealt in, bought or sold, or offered for sale, as provided in § 1 hereof, who, for the purpose of defrauding the owner of such livestock or wool, gives false or fraudulent information relative to the ownership of such livestock or wool, shall be fined not less than Ten ($10.00) Dollars, nor more than Five Hundred ($500.00) Dollars.

Any person, firm, corporation or partnership who refuses or fails to keep a record as provided in § 1 hereof, or willfully keeps a false record, or fails to present same upon demand of the county sheriff or chief of police, shall be fined not less than Ten ($10.00) Dollars, nor more than Five Hundred ($500.00) Dollars.

Mr. Barry offered the following amendment by way of Substitute for said bill, viz.:

AN ACT regulating the transportation of livestock and wool upon the public highways, providing for records of livestock and wool transactions, the display of said records, and providing penalties for violation thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, firm, corporation or partnership, to transport livestock or wool to any established place of business where livestock or wool is received for the purpose of being dealt in, bought or sold, or offered for sale, by motor vehicle or other highway vehicle, upon the public highways of this state, or permit the same

to be transported upon any motor vehicle or other highway vehicle owned, operated or controlled by such person, firm, corporation or partnership, without a bill of lading or cargo manifest signed by the shipper or his duly authorized representative, describing the property being transported in such detail as will assure the identification thereof, and which shall contain the following information:

(1) Name and address of the shipper or owner, name of consignee;

(2) The point of origin and destination, or point of delivery;

(3) The name of the person, firm, corporation or partnership transporting same and the name and operator's license number of the person delivering such livestock or wool;

(4) The date, the number, kind, or quantity of such livestock or wool;

(5) The license number of the motor vehicle transporting same.

Such bill of lading or cargo manifest shall be in the form prescribed and furnished by the Commissioner of Agriculture of the Commonwealth of Kentucky, and shall be carried at all times on the vehicle upon which the property described is being transported and shall be displayed to any peace officer of the state whenever requested to do so.

§ 2. Bill of lading or cargo manifest shall be executed in quadruplet. One copy thereof to be retained by the shipper or owner; one copy thereof to be retained by the person, firm, coporation or partnership transporting such livestock or wool; two copies thereof to be delivered to the established place of business where the livestock or wool is delivered, one copy of which shall become a permanent record of the person, firm, corporation or partnership operating the established place of business where livestock or wool is received

for the purpose of being dealt in, bought or sold, or offered for sale. This record shall be subject to inspection by all police or peace officers and all highway patrolmen for a priod of six (6)) months from the date of such record. Upon the demand of the sheriff of any county, or a chief of police of any municipality, any person, firm, corporation or partnership of that county required to maintain the above described record shall present in person, or transmit by mail at the expense of the requesting authority, for his inspection, such records, or duplicate copies thereof.

Any person, firm, corporation or partnership who refuses or fails to execute a bill of lading or cargo manifest as provided in Paragraph 1 hereof, or any person who, for the purpose of defrauding the owner of such livestock or wool, gives false or fraudulent information relative to the ownership of such livestock or wool, shall be fined not less than Ten ($10.00) Dollars, nor more than Five Hundred ($500.00) Dollars.

Any person, firm, corporation or partnership who refuses or fails to keep a record as provided herein, or willfully keeps a false record, or fails to present same upon demand of the county sheriff or chief of police, shall be fined not less than Ten ($10.00) Dollars, nor more than Five Hundred ($500.00) Dollars.

Mr. Barry moved that said bill and Substitute be recommitted, with instructions for further study,

To the Committee on Agriculture No. 1.

Said motion was agreed to.

Said bill was then recommitted.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Sherman Carter.

H. B. 170. An Act to repeal Chapter 67 of the Acts of 1940.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Chapter 67 of the Acts of 1940 is repealed.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 158.200 to 158.260, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Sherman Carter.

H. B. 171. An Act relating to game and fish.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (1) No person shall use a gun or take wild animals, wild birds or fish outside the county in which he lives, without first having secured a license therefor as provided in this chapter.

(2) No person shall buy the pelts of wild animals for commercial purposes without first having secured a license therefor as provided in this chapter.

(3) Landowners, their resident children and lessees on their land may without a license take fish by angling from the waters therein and wild animals and wild birds therefrom subject to the further provisions of this chapter.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 150.170, and

thereafter be treated as an amendment to KRS 150.170 rather than an amendment to § 1954d-13 of Baldwin's Supplement.

By Mr. L. D. Moore.

H. B. 172. An Act relating to school superintendents and school employees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That part of § 4399-34 of Carroll's Kentucky Statutes, 1936 edition, relating to the appointment, qualifications and compensation of superintendents of schools, and which is contained in the first two grammatical paragraphs of § 4399-34, is amended to read as follows:

Each board of education shall appoint a superintendent of schools whose term of office shall begin on July 1 following his appointment. The appointment may be for a term of one, two, three or four years. The board shall fix the salary of the superintendent at not less than $1,800 per annum, to be paid in monthly installments. In the case of a vacancy in the office for an unexpired term, the board of education shall make the appointment so that the term will end on June 30. Before any superintendent assumes his duties he shall present to the board of education that elected him a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision issued in accordance with the provisions of law and which qualifies him to hold the position to which he has been elected, and he shall hold such certificate throughout the period of his employment. A superintendent of schools may be removed for cause by a vote of four members of a board of education. Written notice setting out the charges for removal shall be spread on the minutes of the board and

given the superintendent fifteen days before action is taken on his removal.

§ 2. § 4399-46 of Carroll's Statutes, 1936 edition, is amended to read as follows:

Each school district shall pay its teachers according to a salary schedule based on training, quality of service, experience, and such other items as the State Board of Education approved. A copy of the salary schedule prepared by each district board shall be filed with the State Board of Education. In case a district board is not able to pay all of its teachers the minimum salary provided in this section, the State Board of Education may approve a salary schedule for that board authorizing the payment of salaries below the minimum provided in this section. No principal of a four year high school shall receive a salary of less than one hundred and twenty-five dollars per month, and no teacher regularly employed in the public schools shall receive a salary of less than seventy-five dollars per month, if the revenue received by the district from the state per capita plus one-half of the revenue received from local taxation will produce sufficient revenue to pay such salary for a period of seven months to elementary teachers and a period eight months to high school teachers and principals, allowing one teacher for each forty census pupils in the district.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, sections 1 and 2 of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted, respectively, in place of KRS 160.350 and 161.150, and shall thereafter be treated as amendments to KRS 160.350 and 161.150 rather than amendments to §§ 4399-34 and 4399-46 of Carroll's Statutes.

By Mr. Chas. W. Anderson, Jr.

H. B. 173. An Act relating to high school service.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The State Board of Education shall assist county and independent school districts to provide an approved high school service where the number of pupils of either race is not sufficient to maintain an approved high school service and it is determined by the Superintendent of Public Instruction that it is more economical and practical for said Board of Education to provide board and room in lieu of transportation to another district.

In order to carry out the provisions of this Act, there is hereby appropriated out of the State Treasury, annually, for the fiscal years ending June 30, 1942, and June 30, 1943, a sum of $100.00 per pupil for whom such services shall be provided as herein set forth, and the State Treasurer is hereby directed to pay an aggregate sum of not more than $25,000.00, annually, for said fiscal years, upon the warrant of the Department of Finance, which shall be issued upon presentation of a triplicate voucher for same signed by the Superintendent of Public Instruction and approved by the State Board of Education.

It shall be the duty of the Superintendent of Public Instruction in the administration of this Act to receive and approve requisitions from superintendents of county and independent school districts, and to require that the board and room services provided said pupils shall be maintained in well regulated and properly supervised and approved school dormitories.

By Mr. Tyra.

H. B. 174. An Act regulating the weight of passenger motor vehicles on the Highways, and fixing a penalty.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sec. 1. It shall be unlawful for any person, firm, corporation or association to operate motor passenger vehicles for hire over any road in this State where the weight of such vehicles empty exceeds twenty eight (28,000) thousand pounds.

Sec. 2. Any person, firm, corporation or association owning or operating such vehicles who permits its operation in violation of this Act shall be fined not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars for each such violation, and if the violations are persistent or flagrant the permit of such person, firm, corporation or association shall be revoked by the Division of Motor Transportation.

By Mr. Freeman.

H. B. 175. An Act relating to devices designed or intended to be operated by coins or slugs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Every device designed or intended to be operated by the use of coins or slugs and the results of the operation of which depend upon chance or upon the skill of the operator, or the results of the operation of which vary according to the movements of the internal mechanism over which the operator has no control, and which contains any material usable and useful in the National Defense, is declared to be an illegal gaming device and is declared to be contraband.

2. Every person who owns or has in his possession any device of the kind described in section 1 of this act shall

within 30 days after the effective date of this act, or if he acquires ownership or possession of such device after the effective date of this act shall immediately, deliver the device to one of the various headquarters of the State Highway Patrol.

3. Upon receipt of such device or devices the Director of the State Highway Patrol shall cause same to be delivered immediately to the appropriate representative of the United States government or the American National Red Cross in order that materials contained in such devices may be converted to use in the National Defense.

4. It shall be the duty of every peace officer of this Commonwealth, or any division thereof, having knowledge of the location of any device of the character described in section 1 of this act to report such fact in writing to the Director of the State Highway Patrol and his failure so to do shall constitute the offense of nonfeasance in office; and upon proof thereof upon charges made before the tribunal having jurisdiction of such officer and the subject, he shall be removed from his office or position of employment.

5. Any person who violates section 2 of this act upon conviction therefor shall be fined not more than $500 or imprisoned in the county jail for not more than one year, or both so fined and imprisoned.

Whereas: There is urgent need of immediate use of materials useful and usable in the defense of the government of the United States of America against the aggression of its enemies, an emergency is hereby declared to exist and this act shall take effect on its passage and approval by the Governor of this Commonwealth.

By Mr. Ennis.

H. B. 176. An Act relating to the distribution of public books and documents.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 2421 and 2422 of Carroll's Kentucky Statutes, 1936 edition, are consolidated into one section and amended to read as follows:

The following officers and libraries are entitled free of charge to copies of the Acts of the General Assembly, as they are published: Members of the General Assembly that passed the Acts, the State Treasurer, Secretary of State, circuit judges, Commonwealth's attorneys, county attorneys, sheriffs, circuit clerks, county clerks, county judges and justices of the peace, one copy each; the Attorney-General, four copies; the Governor and the Auditor of Public Accounts, two copies each; the State Librarian, for the use of the Senate, ten copies, and for the use of the House of Representatives, thirty copies; the judge of each Federal Court for Kentucky, one copy; the United States Circuit Court of Appeals at Cincinnati, one copy; the Supreme Court of the United States, three copies; the governor of each of the other states and the Secretary of State for the United States, two copies each; the law library of each county, one copy; the Law Library of the University of Kentucky, three copies; the Law Library of the University of Louisville, two copies; the Library of the Kentucky State College for Negroes, two copies; the Kentucky Library of Western Kentucky State Teachers College, two copies; the Department of Education, one copy, the Library of Congress, seven copies; and the Kentucky Historical Society, two copies.

§ 2. That Section 2425 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

The following officers and libraries are entitled free of charge to copies of the journals of each house of the General Assembly, as they are published: Each member of the

General Assembly, one copy for the session in which he served; county clerks and circuit clerks, one copy each; the Governor and Secretary of State, two copies each; the State Librarian, five copies for the use of the Senate and ten copies for the use of the House of Representatives; the Law Library of the University of Kentucky, the Law Library of the University of Louisville, the Library of the Kentucky State College for Negroes, the Kentucky Library of Western Kentucky State Teachers College, the Library of Congress and the Kentucky Historical Society, two copies each.

§ 3. That Sections 2426a and 2426b of Carroll's Kentucky Statutes, 1936 edition, as amended by Chapter 63 of the Acts of 1940, are consolidated into one section and amended to read as follows:

The following officers and libraries are entitled free of charge to copies of the Kentucky Reports and advance sheets, as they are published: The Governor, each judge of the Court of Appeals, each commissioner of the Court of Appeals, each circuit judge, the judge of each Federal court for Kentucky, the Librarian of the United States Circuit Court of Appeals at Cincinnati and each county law library, one copy; the Law Library of the University of Kentucky, twelve copies; the Law Library of the University of Louisville, three copies; the Library of the Kentucky State College for Negroes, two copies; the Library of Congress, seven copies; and the Kentucky Historical Society, two copies. The Department of Education is entitled free of charge to one copy of the advance sheets of the Kentucky Reports, beginning in January, 1942. The Law Library of the University of Kentucky and the Library of the Kentucky State College for Negroes are entitled free of charge to four sets of the Kentucky Reports, beginning with Volume 78, and two sets of the Kentucky Reports, beginning with Volume 229, and one copy each of Volumes 133, 205, 216, 217, 219, 222, 223, 224, 225, 226, 227 and 228 of the Kentucky Reports.

§ 4. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, sections one, two and three of this Act shall, upon the taking effect of the Kentucky Revised Satutes, be substituted, respectively, in place of KRS 57.300, 57.310 and 57.320, and shall thereafter be treated as amendments to KRS 57.300, 57.310 and 57.320 rather than amendments to Carroll's Statutes.

By Mr. Humston.

H. B. 177. An Act repealing, amending and re-enacting section 3868 Carroll's Kentucky Statutes, 1936 edition, relating to preferred debts of decedent's estates and pro rata distribution thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3868 of Carroll's Kentucky Statutes, 1936 edition, be repealed, amended and re-enacted so when amended and re-enacted, said section shall read as follows:

§ 1. The cost of administration of the estate of all deceased persons in this Commonwealth shall be a preferred claim against the estate and all sums due from the estate to any ward or person of unsound mind committed by a Court of record to and remaining in the hands of a decedent, shall be a preferred claim against said estate. The funeral expenses of said deceased person to the amount of $250.00 only shall be a preferred claim against said estate and said preferred claim shall be paid in full before any pro rata distribution of said estate shall be paid. This preference shall not extend to a deed foreign to this State. All other debts and liabilities shall be of equal dignity and paid ratably in the administration of the estate and should more than the ratable share of any debt be paid, the personal representative shall only receive credit for its proper proportion.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 396.090, and shall thereafter be treated as an amendment to KRS 396.090 rather than an amendment to § 3868 of Carroll's Statutes.

By Mr. McPherson.

H. B. 178. An Act to repeal Chapter 24 of the Acts of the General Assembly of Kentucky at the fourth extra session of 1936, compiled as sections 4748i-1 to 4748i-5, inclusive, in the 1939 supplement to Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 24 of the Acts of the General Assembly of Kentucky at the fourth extra session of 1936, compiled as section 4748i-1 to 4748i-5, inclusive, in the 1939 supplement to Carroll's Kentucky Statutes, 1936 Edition, be and the same is hereby repealed.

If the Kentucky Revised Statutes are enacted at the present session of thet General Assembly, this Act shall be treated as repealing KRS 365.080 and 365.090, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. McPherson.

H. B. 179. An Act to repeal Chapter 55 of the Acts of 1938 of the General Assembly compiled as sections 2635c-1 to 2635c-13, inclusive, 1939 supplement to Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 55 of the Acts of 1938 of the General Assembly compiled as section 2635c-1 to 2635c-13, inclusive, 1939 supplement to Carroll's Kentucky Statutes, 1936 Edition, be and the same is hereby repealed.

If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 214.190 to 214.270 and subsection (10) of 214.990, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. McPherson.

H. B. 180. An Act to repeal sections 4748h-1 to 4848h-14 inclusive, Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Sections 4748h-1 to 4748h-14, inclusive, Carroll's Kentucky Statutes, 1936 Edition, be and the same are hereby repealed.

If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 365.020 to 365.070 and subsection (2) or KRS 365.990, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. McPherson.

H. B. 181. An Act prohibiting the sale, offering or exposing for sale, of fireworks, defining fireworks and regulating the manner of using fireworks, and providing penalties for violation of the provisions of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. The term "fireworks" shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include the type of balloons that require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman candles, Daygo bombs, sparklers or other fireworks of like construction and any fireworks containing any explosive or flammable compound.

The term "fireworks" does not include toy pistols, toy canes, toy guns or other devices in which paper caps containing twenty-five one hundredths grains or less of explosive compound are used, if they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol caps containing less than twenty-five one hundredths grains of explosive compound.

Section 2. Except as hereinafter provided it shall be unlawful for any person, firm, co-partnership, or corporation to offer for sale, expose for sale, sell at retail, or use or explode any fireworks; provided that the Division of Insurance shall have power to adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals. Every such display shall be handled by a competent operator to be approved by the Chiefs of the Police and Fire Departments of the municipality in which the display is to be held and shall be of such a character, and so located, discharged or fired as in the opinion of the Chief of the Fire Department, after proper inpsection, shall not be hazardous

to property or endanger any person or persons. Application for permits shall be made in writing at least fifteen (15) days in advance of the date of the display. After such privilege shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit granted hereunder shall be transferable.

Section 3. The governing body of the municipality shall require a bond deemed adequate by the municipality from the licensee in a sum not less than five hundred dollars ($500) conditioned for the payment of all damages which may be caused either to a person or persons or to property by reason of the licensed display, and arising from any acts of the licensee, his agents, employees or subcontractors.

Section 4. Nothing in this act shall be construed to prohibit any resident wholesaler, dealer, or jobber to sell at wholesale such fireworks as are not herein prohibited, or the sale of any kind of fireworks provided the same are to be shipped directly out of the state; or the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports, or for the use by military or organization.

Section 5. The Division of Insurance shall seize, take, remove, or cause to be removed at the expense of the owners all stocks of fireworks or combustibles offered or exposed for sale, stored, or held in violation of this act.

Section 6. Any person, firm, co-partnership, or corporation violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding ninety days, or by both such fine and imprisonment.

By Mr. Swope.

H. B. 182. An Act relating to Old Age Assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 6 of Chapter 159 of the Acts of 1940 is amended to read as follows:

§ 1. (1) An applicant or a recipient of old age assistance who is dissatisfied with the decision on his application, or because of delayed action on his application, for old age assistance, or on the amount granted to him may, within ninety days, in writing, appeal to a Board of Review. The Board of Review shall consist of the Director of the Division of Hospitals and Mental Hygiene, the Director of the Division of Probation and Parole, and the Superintendent of the Kentucky Feeble-minded Institute, which persons shall perform the duties hereunder without any additional compensation, except their necessary expenses.

(2) The Board of Review shall meet at least twice per month, in an office to be provided by the Commissioner of Welfare at Frankfort, Kentucky. The Board shall be known as the Welfare Board of Review, and shall have the right to employ a secretary to keep its records, to record the receipt of all appeals, and to record and file and send out to the persons affected the decisions of the board on applications in all appealed cases. The complete files, evidence and data on each case appealed shall be forwarded to the board for review within ten days after filing of the notice of appeal with the Division of Public Assistance. The board shall consider, hear and determine appeals that come before it.

(3) The members of the board may elect their own chairman. The action or decision of any two members of said board shall be binding and final. The chairman of the

board shall be considered the head of the budget unit for financial purposes. Before the file of an applicant who desires to appeal is forwarded to the Board of Review, the applicant shall have a right to see that same is complete in all data, and facts and evidence are included therein, and after said file reaches the Board of Review, no new evidence shall be submitted or heard, provided, however, the Board of Review upon its own motion and at its own request may permit an applicant to be called before it, but no applicant shall have the right to appear in person except upon the motion or request of said board.

§ 2. There is hereby appropriated from the general fund the sum of five thousand dollars annually for the next two fiscal years, beginning July 1, 1942, to defray the necessary expenses of maintaining and operating the office and to pay the salary of the secretary.

§ 3. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act, shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of KRS 205.070, and thereafter be treated as an amendment to KRS 205.070 rather than an amendment to 1940, c. 159, § 6.

By Mr. Cornett.

H. B. 183. An Act amending the Constitution of the Commonwealth of Kentucky, relating to absentee voting.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. That upon the concurrence of three-fifths of all the members elected to each house of the General Assembly of the Commonwealth of Kentucky, the yeas and nays being taken thereon and entered in full on their respective

journals, that there be and it is hereby adopted, an amendment to the constitution of Kentucky, which shall read as follows: The General Assembly may provide by law that persons duly registered and entitled to vote in the State of Kentucky, but not able to be present at the polls on election day, may vote in such manner as prescribed by the General Assembly.

Section 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky and Section 1459 of Baldwin's Kentucky Statutes Service, 1940 Supplement, or if the Kentucky Revised Statutes are enacted, under KRS 118.430.

By Mr. Montgomery.

H. B. 184. An Act relating to elections.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. § 1550-3 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

(1) The primary election for the nomination of candidates by political parties to be voted for at the next regular election shall be held on the first Saturday in June of each year between the hours of 6 a. m. and 4 p. m., at the regular voting place in each election precinct.

(2) Nomination by political parties, as defined in § 1550-5, to fill vacancies at special elections to be held on days other than the regular election, shall be made in such manner as may be determined by the governing authority of the city on the date in which the election is to be held.

§ 2. §§ 1596a-1 and 1596a-13 of Carroll's Kentucky Statutes, 1936 edition, are consolidated into one section and amended to read as follows:

(1) There shall be a State Board of Election Commissioners consisting of the Clerk of the Court of Appeals and two commissioners appointed by the Governor, in the month of May each year, for a term of one year and until their successors are appointed and qualified. The appointed commissioners shall be at least twenty-five years of age and shall be qualified electors of this state. One commissioner shall be appointed from each of the two political parties that polled the largest vote at the last preceding election for state officers or presidential electors. If names are designated to the Governor in writing by the state central committee of the parties the appointments shall be made from those names. The commissioners shall qualify by taking, before the Clerk of the Court of Appeals, an oath faithfully to perform their duties according to law. The clerk shall make a certificate of the qualification, which shall be noted upon the record of the proceedings of the board and preserved among its records. Vacancies shall be filled by appointment by the Governor in the same manner as provided for original appointments, and the person appointed to fill the vacancy shall be of the same political party as his predecessor.

(2) The State Board of Election Commissioners shall appoint a secretary, to hold office at the pleasure of the board. The board shall prescribe the duties of the secretary and fix his compensation at not more than two hundred and fifty dollars per annum. The board shall keep a record of its acts, orders, findings and procedings. The members of the board shall each be paid five dollars per day while in session, but no member shall be paid more than one hundred dollars in any year. The board shall procure the books, material and postage necessary to enable it to perform its duties. The compensation and expenses of the board shall be paid on certification of the vouchers by the chairman of the board.

(3) The State Board of Election Commissioners shall meet at the Capital, where a suitable room shall be provided

in a state building. The secretary shall mail notice of the time and place of meeting to each member of the board before any meeting is held, and any action of the board at a meeting held without such notice having been given shall be void. A majority of the board shall constitute a quorum for the transaction of any business. The Clerk of the Court of Appeals shall preside at the meetings of the board, and in case of disagreement between the other members he may vote.

§ 3. § 1596a-2 of Carroll's Kentucky Statutes, 1936 edition, is amended to read as follows:

(1) There shall be a county board of election commissioners in each county, consisting of the sheriff of the county and two commissioners appointed by the State Board of Election Commissioners, in the month of June each year, for a term of one year and until their successors are appointed and qualified. Where from any cause the sheriff cannot act, the circuit clerk shall act in his place. The appointed commissioners shall be at least twenty-five years of age and shall be qualified electors of the county from which they are appointed. One commissioner shall be appointed from each of the two political parties that polled the largest number of votes in the state at the last preceding election for state officers or presidential electors. If lists of five names are designated to the state board in writing by the county executive committees of the parties, the appointments shall be made from those lists. If there are two or more contending executive committees of the same party in the county the committee that is recognized by the state central committee, by written certificate of the chairman thereof, shall be recognized by the state board in making the appointments. The county commissioners shall qualify by taking, before the county clerk, an oath faithfully to perform their duties according to law. The clerk shall make a certificate of the oath and file it in his office. Vacancies shall be filled by ap-

pointment by the state board from the names already designated, and the person appointed to fill the vacancy shall be of the same political party as his predecessor.

(2) The county board of election commissioners shall choose one of its members secretary. He shall keep a record of its proceedings, which shall be a public record and kept in the office of the county court clerk. A majority of the board shall constitute a quorum for the transaction of business. The sheriff shall preside at the meetings of the board, and in case of disagreement between the other members he may vote. Due written notice of every meeting of the board shall be given to each member.

§ 4. §§ 1444 and 1596c-4 of Carroll's Kentucky Statutes, 1936 edition, are consolidated into one section and amended to read as follows:

(1) The justices' districts of each county shall be divided into election precincts. The county court shall make the first division in any county, and shall establish the name or number and the boundaries of the precincts. Each precinct shall contain, as nearly as practicable, three hundred and fifty voters, based on the number of votes cast at the last election for presidential electors, but no precinct shall contain more than three hunrded and fifty voters. If at any election more than three hundred and fifty votes are cast in any precinct, the sheriff of the election in that precinct shall report the fact to the county court, which shall at its next regular term, divide the precinct as equally as possible so that the new precincts formed thereof shall each contain three hundred and fifty voters as nearly as practicable.

(2) Whenever the public convenience or the public good requires it, the county court of any county may change the boundaries of any election precinct in the county, or divide any precinct into two or more precincts, or consolidate two or more precincts into one, but no change, division or consolidation shall be made after the April term of the court

next preceding an election. No change, division or consolidation shall be valid unless due notice is given, at least one month before any election by one publication in the newspaper published in the county that has the largest circulation therein, or by posters put up in four of the most public places in the precinct. No precinct shall be enlarged so as to contain more than three hundred and fifty voters.

(3) The county court of each county shall establish the voting place in each precinct and there shall be only one voting place in each precinct. The county court may change the place of holding elections whenever the pupblic convenience or public good requires, but no such change shall be made after the April term of the court preceding an election, and no such change shall be valid unless notice is given, at least one month before the election, by one publication in the newspaper having the largest circulation among those published in the county, or by posters put up in four of the most public places in the precinct. If, for any good cause, an election cannot be held at the house appointed as the place of voting, the judges of election may, on the morning of the election, adjourn it to the most convenient place, after having publicly proclaimed the change and posted notice thereof on the house.

§ 5. § 1486b-33 of Carroll's Kentucky Statutes, 1936 edition, and Section 1 of Chapter 75 of the Acts of 1940, are consolidated into one section and amended to read as follows:

(1) Any person possessing the qualifications for registration as a legal voter may appear before tbe county clerk of the county of his residence, or at the permanent office or a branch office of the board of registration commissioners if he resides in a city of the first class, and register, or change his party affiliation, at an hour of any day that the office of the county clerk or the board of registration commissioners is open for business. The county clerk of every county and the board of registration commissioners of every city of the

first class shall cause all registration books or lists to be closed fifty-nine days prior to any primary or general election, and no voter shall be registered or be permitted to change his registration during the period that the books are closed. The county clerk and board of registration commissioners shall not again reopen their books for registration of voters or the re-registering or changing of party affiliation of voters until ten days after any primary or general election.

(2) In counties containing a city of the third class that is not the county seat, the county clerk shall take the registration books for each voting precinct in the city to the courthouse or city hall of the city and keep them there during the period the books are open. Any person possessing the qualifications for registration as a legal voter of any voting precinct in the city may appear before the clerk during the period the books are open at the office or place in the courthouse or city hall of the city where the registration books are taken, at any hour of the day the office or place is open for business, and register or change his party affiliation.

(3) The board of registration commissioners of each city of the first class shall acquire and maintain a permanent office and equip it in such manner as it deems necessary. The office shall be maintained and kept open to the public every day, except Sundays and holidays, between the hours of 8:30 a. m. and 5:00 p. m. except that the board may authorize the office be closed at 1:00 p. m. on Saturdays. The board may keep the office open to the public at night or at such other hours as the board may determine, not inconsistent with the provisions of this chapter. The board may establish such temporary branch offices, not exceeding one for each ward, as it deems necessary, and keep them open for not more than one week in the months of March and April.

(4) The board shall prescribe and provide all forms, records and paraphernalia required for the conduct of registration.

§ 6. A new section of the statutes is created to read as follows:

Any candidate or group of candidates in any primary election that desires to purge the registration lists of any name in any precinct, outside of cities of the first class, may file a written request with the county board of registration and purgation between April 5 and May 10 preceding the primary, setting out in the request the name and address of each voter whose right to vote in the primary is challenged, the grounds upon which the challenge is founded and the reason why the name should be stricken from the registration lists. The county board of registration and purgation shall, not later than July 13, appoint two purgation officers for each precinct in which a name has been so challenged. The purgation officers shall be appointed from the citizens and voters of the county without regard to party affiliation, and need not reside in the precinct for which they are appointed. They shall purge the registration lists for the primary election as provided in § 1486bb-13.

§ 7. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, various sections and subsections of this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of the respective sections of the Kentucky Revised Statutes shown opposite the sections and subsections of this Act in the following table:

Subsection (1) of Section one	119.040
Subsection (2) of Section one	121.060
Subsection (1) of Section two	116.010
Subsection (2) of Section two	116.020
Subsection (3) of Section two	116.030
Subsection (1) of Section three	116.040
Subsection (2) of Section three	116.050
Subsection (1) of Section four	116.180
Subsection (2) of Section four	116.190

Subsection (3) of Section four 118.050
Subsection (1) of Section five .....117.050(1)
Subsection (2) of Section five .....117.050(2)
Subsection (3) of Section five .....117.250(1)
Subsection (4) of Section five .....117.250(2)
Section six 117.460

and shall thereafter be treated as amendments to the respective sections of Kentucky Revised Statutes, rather than the section of Carroll's Statutes referred to in this Act; the number "KRS 119.010" shall be substituted for "§ 1550-5" in subsection (2) of section one of this Act, and the numbers "KRS 117.480 and 117.490" shall be substituted for the number § 1486bb-13," in section six of this Act.

By Mr. Crowe.

H. B. 185. An Act relating to Petty Loan Companies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 883i-30 of Carroll's Kentucky Statutes, 1936 edition is amended to read as follows:

Application of Act:—

This act shall not apply to any person, partnership, association, or corporation doing business under and as permitted by any law of this Commonwealth or of the United States relating to banks, savings banks, trust companies, trust banking and title insurance companies, building and loan associations, cooperative marketing associations, credit unions, or licensed pawnbrokers.

If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall, upon the taking effect of the Kentucky Revised Statutes, be substituted in place of subsection (2) of of K.R.S. 288.010 and

thereafter be treated as an amendment to subsection (2) of K.R.S. 288.010 rather than an amendment to Section 883i-30 of Carroll's Kentucky Statutes, 1936 edition.

By Mr. Royster.

H. B. 186. An Act relating to teachers in the Common School System of Kentucky, and providing qualifications and educational standards therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any teacher in the Common Schools of Kentucky, who possesses a certificate as authorized by law, and which certificate has been issued by the State Board of Education in conformity with the Statute law of Kentucky, shall be entitled to teach in any of the Common Schools for which said certificate in its terms thereof authorizes such teaching.

No board of education shall possess the power to raise such qualifications above those required by the law and the regulations of the State Board of Education.

By Mr. Royster.

H. B. 187. An Act to repeal, amend and re-enact § 4399-34 Kentucky Statutes, relating to the appointment of superintendents and other school officials, and making further provision that teachers may be employed for a period of more than one year.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That § 4399-34 Kentucky Statutes be repealed, amended and reenacted, so that when so amended and reenacted it shall read as follows:

Each board of education shall appoint a superntendent of schools, whose term of office shall begin on July 1, following his appointment, and said appointment may be for a term of one, two, three, or four years. In the case of a vacancy in the office for an unexpired term, the appointment shall be made so the term will end on June 30. Before any superintendent assumes his duties he shall present to the board of education which elected him a statement signed by the Superintendent of Public Instruction that he has been duly issued a certificate of administration and supervision, issued in accordance with the provisions of law and which qualifies him to hold the position to which he has been elected, and he shall hold such certificate throughout the period of his employment; provided any superintendent in office when this act goes into effect who holds a valid certificate of administration and supvervision, issued upon a minimum of two years of standard college work, may be elected to succeed himself for a period not to exceed four years. A superintendent of schools may be removed by a vote of four members of a board of education for cause; provided that written notice setting out the charges for removal must be spread on the minutes of the board and given the superintendent fifteen days before action is taken on his removal.

The superintendent shall be the executive agent of the board which appoints him and shall meet with the board except when his own tenure, salary, or the administration of his office is under consideration. His salary shall be determined by the board and shall be paid in monthly installments, but it shall not be less than twelve hundred dollars ($1,200) per year.

As executive officer of the board, the superintendent shall see that the laws relating to the schools, the by-laws, rules and regulations of the State Board of Education, and the regulations and policies of the district board of education are carried into effect. He shall have the right to administer the oath required by the board of education to any teacher or

other person. He shall be the professional adviser of the board in all matters, except as hereinafter provided in independent districts embracing cities of the first and second classes; and under the direction of the board shall prepare all rules, regulations, by-laws, and statements of policy, specific and general, for the board for its approval and adoption. The superintendent of schools shall have general supervision, subject to the control of the board of education, of the general conduct of the schools, the course of instruction, the management of teachers, the discipline of pupils, and the management of business affairs, except as hereinafter provided in independent districts embracing cities of the first and second classes.

The board of education may, on the nomination of the superintendent of schools, appoint as many assistant superintendents as it deems necessary, whose compensation shall be fixed by the board and who may be removed for cause by the superintendent, with the approval of three members of the board of education. Except as provided under article V, section 6½ (now 4399-7) of this Act, all appointments, promotions, transfers, and dismissals of principals, supervisors, teachers, and other public school employees shall be made only upon the recommendation of the superintendent of schools, subject to the approval of the board, except as hereinafter provided in independent districts embracing cities of the first and second classes. In the event the board of education cannot agree with the superintendent as to any certificated person recommended by such superintendent, such board of education may appeal to the State Board of Education to review the case and the decision of the State Board of Education shall be final. The superintendent shall have the power to suspend any teacher or other employee for cause deemed by him sufficient, and the board of education shall take such action upon the restoration or removal of such person as it may deem proper. All employees of the board shall

have such qualifications as may be prescribed by law and by the regulations of the State Board of Education and/or of the employing board. Supervisors, principals, teachers, and other employees may be appointed by the board of education for any school year at any time after the first day of April next preceding the beginning of the school year.

The superintendent of schools shall devote himself exclusively to his duties and shall have power to appoint necessary clerks, whose number and salaries shall be determined by the board, and he shall have the power to remove same. He shall exercise general supervision of the schools of his district, examine their condition and progress, and shall keep himself informed of the progress in other districts. He shall prepare or have prepared all budgets, salary schedules, and other reports required of his board by the State Board of Education. He shall advise himself of the need of extension of the school system of the district, shall receive and examine reports from teachers and other school officers, and shall make reports from time to time as may be required by the rules of his board or as he may be directed to do by the board, and he shall be responsible to the board for the general conditions of the schools.

Any outgoing superintendent shall make all reports required by law to date of his retirement and shall have information assembled to date of his retirement for any other reports to be made by the incoming superintendent before the last month's salary of the outgoing superintendent is paid. Failure to comply with the provisions of this section shall be grounds for the revocation of the superintendent's certificate.

Any superintendent who is guilty of a violation of this section shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each offense.

§ 2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of

this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

"Except as provided in KRS 160.130 and 160.430, all appointments, promotions, transfers and dismissals of principals, supervisors, teachers and other public school employes shall be made only upon the recommendation of the superintendent of schools, subject to the approval of the board. If the board of education cannot agree with the superintendent as to any legally qualified person recommended by the superintendent, the board of education may appeal to the State Board of Education to review the case and the decision of the State Board of Education shall be final. All employees of the board shall have such qualifications as are prescribed by law and by the regulations of the State Board of Education and of the employing board. The superintendent may suspend any teacher or other employee for cause deemed by him sufficient, and the board of education shall take such action upon the restoration or removal of such person as it deems proper. Supervisors, principals, teachers and other employees may be appointed by the board of education for any school year at any time after April 1 next preceding the beginning of the school year."

The provision so substituted by this section shall thereafter be treated as an amendment to KRS 160.380 rather than an amendment to § 4399-34 of Carroll's Statutes, and KRS 160.350, 160.360, 160.370, 160.390, 160.400 and 160.990 shall remain in full force and effect and shall not be treated as affected by this Act.

By Mr. Mefford.

H. Res. 32. Joint Resolution providing for payment of ministers of the churches of Frankfort, Kentucky, for performing the duties of chaplain for the General Assembly.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of Eight Hundred Dollars ($800.00) is hereby appropriated out of the Legislative Session fund, One Hundred Dollars ($100.00) of which is to be paid to each of the following named ministers of Frankfort, Kentucky, performing the duties of chaplain for the General Assembly:

H. W. Alexander, E. W. Baxter, A. C. Brooks, Donald H. Stewart, C. Wm. Grant, Chas. R. Thrasher, Fred T. Moffatt, and Joseph A. O'Dwyer.

That the Chief Clerk of the Senate shall certify this resolution to the Commissioner of Finance, who shall draw his warrant upon the State Treasurer for the amounts above designated and the State Treasurer shall pay the same.

WHEREAS, all employees of the General Assembly have been promptly paid for their services, and said ministers have been faithful in attending as chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this resolution shall take effect from and after its passage and approval by the Governor.

Ordered that said bills and resolution be referred and printed.

Mr. Henry Ward moved that the House do now adjourn to meet again on tomorrow, January 29, at one o'clock P. M.

Said motion was agreed to.

And then the House adjourned.

THURSDAY, JANUARY 29, 1942

The House was called to order by The Honorable Stanley S. Dickson, Speaker.

The House was opened with prayer by the Reverend E. W. Baxter of the Episcopal Church of Frankfort, Kentucky.

The roll was called and the following members answered to their names, viz.:

C. W. Anderson, Jr.	Jerry F. Howell	Robert Nicholas
Henry Arrowood	Chas. O. Humston	H. C. Patterson
William F. Ball	W. H. Hunt	Paul Pelfrey
Robert E. Barry	Joe B. Jarboe, Jr.	B. W. Porter
W. T. Beard	Crow Jarvis	Kleber F. Price
Robert E. Beatty	William L. Jones	James E. Quill
Rell Bevins	John S. Juett	L. Allen Rhoads
Douglas T. Bolling	W. A. Lamkin	Dr. J. J. Rice
Gus A. Brooks	H. W. Linville	Wade H. Riley
Sherman E. Carter	A. L. Love	Dr. M. M. Robinson
C. L. Clayton	William Lovett	Byron H. Royster
T. Fowler Combs	Harry K. Lowman	Dr. K. N. Salyer
Oris Cooper	Hugh D. Lyon	Carl Scheben
M. A. Cornett	H. McCartney	Leon J. Shaikun
John Henry Cox	Norris McPherson	Faust Y. Simpson
Rev. W. W. Crouch	Dr. Wm. C. Mann	Clyde Smith
Guthrie F. Crowe	Ed. Marcum	Otto Smither
Pink G. Curd	C. C. May	Charles L. Spilman
Dr. J. A. Duff	J. Milton Mefford	James D. Stacey
Forest C. Easley	Sam Milam	J. Claude Stacy
Harry W. Ennis	D. J. Moore	R. C. Stephenson
John D. Fields	J. Lee Moore	Thomas M. Swope
T. P. Fitzpatrick	L. D. Moore	C. W. Taylor
W. W. Freeman	C. E. Montgomery	Egbert Taylor
Joseph J. Grace	F. E. Morancy	Roy L. Taylor
Fuller Harding	E. R. Morlidge	Rev. H. Tinsley
E. R. Hilton	C. Sid Nabb	John L. Trumbo
Clyde S. Howard	Coy Nevitt	Erna E. Tyra

J. Wood Vance	Harry Walters	H. L. Waterfield
S. J. Wagner	H. A. Ward	E. Reed Wilson
C. R. Walden	Henry Ward	Stanley S. Dickson, Speaker

Mr. Scheben moved that the reading of the Journal of yesterday's proceedings be dispensed with.

Said motion was agreed to.

Mr. Henry Ward moved that the Rules of this House be suspended and that the House proceed with the regular Order of Business.

Said motion was agreed to.

Mr. Egbert Taylor moved that the privilege of the floor be extended to Judge Pilson Smith, Reverend C. E. Ennis and Mr. Ellis Workman from Green County.

Said motion was agreed to.

Mr. Beard moved that the privilege of the floor be extended to Mr. John K. Ditto of Park City, Kentucky.

Mr. Gus Brooks moved that the privilege of the floor be extended to Mr. Charles Rose of Fayette County.

Said motion was agreed to.

Mr. Juett moved that the privilege of the floor be extended to Messrs. John Irving, Phil Jones, and Misses Emma Jones and Patsy Prewitt.

Said motion was agreed to.

Mr. Juett moved that the privilege of the floor be extended to Colonel B. E. Stanley of Williamstown, Kentucky.

Said motion was agreed to.

Mr. Jarboe moved that the privilege of the floor be extended to Mr. Harry B. Thornton.

Said motion was agreed to.

Mr. McPherson moved that the privilege of the floor be extended to Miss Henrietta Henderson.

Said motion was agreed to.

Mr. Morlidge moved that the privilege of the floor be extended to Dr. Jully and Miss Carnahan of Campbell County.

Said motion was agreed to.

Mr. Ward moved that the Rules of this House be suspended and that the House proceed with the consideration of the Orders of the Day.

Said motion was agreed to.

The House took up for consideration from the Calendar, bills of the following titles, viz.:

H. B. 133. An Act to amend and re-enact Sec. 2380c-1 of Carroll's Kentucky Statutes.

H. B. 129. An Act relating to a transfer out of interest in the Unemployment Trust Fund and declaring an emergency.

H. B. 64. An Act to revise probate procedure.

With a Committee Amendment thereto.

H. B. 63. An Act to abolish vested dower and to provide for widows a more equitable share under the law of descent and distribution.

Ordered that said bills be read the second time.

The Constitutional provision as to the second reading of said bills at length being dispensed with, said bills were read the second time by their titles only.

Ordered that said bills be placed in the Orders of the Day.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 71. An Act prohibiting deficiency judgments.

Mr. Grace moved that immediate consideration of said bill be postponed and that said bill retain its place in the Orders of the Day.

Said motion was agreed to

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 110. An Act providing a sinking fund for building purposes in cities of the second class.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. In addition to other taxes now levied, each city of the second class shall levy annually such tax of not less than one cent nor more than five cents, on each one hundred dollars' valuation of property assessed by the city, as shall be requested by the board of education of the independent school district embracing the city, at the same time the regular tax rate is fixed by the board of education, to provide a fund for the board of education for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof, and for the major alteration and enlargement of existing buildings and the complete equipping thereof. In addition to, or in lieu of, the above special tax, the board of education of any city of the second

class may pay into this special fund, from time to time, all or any part of the receipts from the sale of land or property no longer needed for school purposes, and may from time to time pay into this special fund all or any part of any balances remaining in the general fund at the end of any fiscal year, over and above the amount necessary for discharging obligations for the fiscal year in full. Any additional tax levied under this section shall come within the present permissible maximum school tax levy of school districts embracing cities of the second class, and within such permissible maximum school tax levies as the General Assembly may hereafter determine.

SECTION 2. The proceeds from the tax levied pursuant to section 1 of this Act shall be paid over to the board of education, and may be accumulated over a period of years. Such proceeds shall be kept in a separate account designated as "School Building Fund," and shall be used only for the purposes enumerated in Section 1 of this Act, and at such times as the board shall determine.

SECTION 3. The school building fund shall be kept in the selected depository of the board, or invested in bonds of the United States Government, of the Commonwealth of Kentucky, or of cities of the second class. Such bonds may be sold by the board when necessary to provide cash for the building fund.

SECTION 4. All expenditures from the building fund for the purchase of sites, for the erection of school buildings and the equipping thereof, or the alteration or enlargement and equipping thereof, shall be made in accordance with the general school laws.

SECTION 5. The board of education shall cause to be made annually an audit of the building fund by a certified public accountant.

Mr. Wilson moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Joseph J. Grace	L. D. Moore
George P. Anderson	E. R. Hilton	C. E. Montgomery
William F. Ball	Clyde S. Howard	E. R. Morlidge
W. T. Beard	Jerry F. Howell	C. Sid Nabb
Robert E. Beatty	Chas. O. Humston	Coy Nevitt
Rell Bevins	W. H. Hunt	Robert Nicholas
Douglas T. Bolling	Crow Jarvis	H. C. Patterson
Gus A. Brooks	William L. Jones	Paul Pelfrey
Sherman E. Carter	W. A. Lamkin	B. W. Porter
C. L. Clayton	H. W. Linville	Kleber F. Price
T. Fowler Combs	A. L. Love	James E. Quill
Oris Cooper	William Lovett	L. Allen Rhoads
M. A. Cornett	Harry K. Lowman	Dr. J. J. Rice
John Henry Cox	Hugh D. Lyon	Wade H. Riley
Rev. W. W. Crouch	H. McCartney	Dr. M. M. Robinson
Guthrie F. Crowe	Norris McPherson	Byron H. Royster
Pink G. Curd	Dr. Wm. C. Mann	Dr. K. N. Salyer
Dr. J. A. Duff	Ed. Marcum	Carl Scheben
Forest C. Easley	C. C. May	Leon J. Shaikun
Harry W. Ennis	J. Milton Mefford	Clyde Smith
John D. Fields	Sam Milam	Otto Smither
T. P. Fitzpatrick	D. J. Moore	Charles L. Spilman
W. W. Freeman	J. Lee Moore	James D. Stacey

J. Claude Stacy	John L. Trumbo	H. A. Ward
Thomas M. Swope	Erna E. Tyra	Henry Ward
C. W. Taylor	J. Wood Vance	H. L. Waterfield
Egbert Taylor	S. F. Wagner	E. Reed Wilson
Roy L. Taylor	C. R. Walden	
Rev. H. Tinsley	Harry Walters	

Resolved that the title thereof be as aforesaid.

Mr. Wilson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 117. An Act authorizing and empowering cities to acquire, erect, maintain and operate a system of parking meters or other similar mechanical devices to regulate and limit vehicular parking on the streets and highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. The governing body of any city may enact ordinances providing for the acquisition, establishment, erection, maintenance and operation of a system of parking meters or other similar mechanical devices to regulate and control vehicular traffic in the city, said meters or devices requiring a reasonable deposit, not in excess of the rate of five cents per hour, from those who park vehicles for stipulated periods of time in certain areas in the city in which the congestion of vehicular traffic is such that public convenience and safety require such regulation.

SECTION 2. The proceeds derived from the use of such parking meters or other similar mechanical devices shall be used: First, For the purpose of the acquisition, establish-

ment, erection, maintenance and operation of the system; Second, For the purpose of making the system effective; and Third, For the expenses incurred by and throughout the city in the regulation and limitation of vehicular parking, traffic relating to parking, traffic safety devices, signs, signals, markings, policing, lights, traffic surveys and safety programs.

SECTION 3. Nothing contained in this Act shall prohibit the governing body of any city from employing any and all other ways and means to regulate and control vehicular parking in the city, either in conjunction with a system of meters or devices or exclusive and independent thereof.

Mr. Morlidge moved the Previous Question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

C. W. Anderson, Jr.	Sherman E. Carter	Pink G. Curd
George P. Anderson	C. L. Clayton	Dr. J. A. Duff
William F. Ball	T. Fowler Combs	Harry W. Ennis
W. T. Beard	Oris Cooper	John D. Fields
Robert E. Beatty	M. A. Cornett	T. P. Fitzpatrick
Rell Bevins	John Henry Cox	Joseph J. Grace
Douglas T. Bolling	Rev. W. W. Crouch	Fuller Harding
Gus A. Brooks	Guthrie F. Crowe	E. R. Hilton

Clyde S. Howard	C. E. Montgomery	Clyde Smith
Jerry F. Howell	E. R. Morlidge	Otto Smither
Chas. O. Humston	C. Sid Nabb	James D. Stacey
W. H. Hunt	Coy Nevitt	Thomas M. Swope
Crow Jarvis	Robert Nicholas	C. W. Taylor
H. W. Linville	H. C. Patterson	Roy L. Taylor
A. L. Love	Paul Pelfrey	Rev. H. Tinsley
Harry K. Lowman	Kleber F. Price	John L. Trumbo
Hugh D. Lyon	James E. Quill	Erna E. Tyra
H. McCartney	L. Allen Rhoads	J. Wood Vance
Dr. Wm. C. Mann	Dr. J. J. Rice	S. J. Wagner
Ed. Marcum	Wade H. Riley	C. R. Walden
C. C. May	Dr. M. M. Robinson	Harry Walters
J. Milton Mefford	Byron H. Royster	H. A. Ward
Sam Milam	Dr. K. N. Salyer	Henry Ward
D. J. Moore	Carl Scheben	H. L. Waterfield
J. Lee Moore	W. W. Freeman	E. Reed Wilson
L. D. Moore	Faust Y. Simpson	—77

Those who voted in the negative were—

Forest C. Easley Egbert Taylor —2

Resolved that the title thereof be as aforesaid.

Mr. Morlidge moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The hour of two o'clock P. M. having arrived, that being the hour for the Special Order of the Day, to-wit: a report of the Committee on Education No. 1 on a bill entitled:

H. B. 49. An Act relating to education.

With an amendment thereto by way of substitute therefor as proposed by the Committee, and

With a Minority Report.

(For Committee Report and Minority Report, see House Journal of January 27.)

The motion as made by Mr. Walden that the Minority Report be substituted for the Committee Report was disagreed to

The yeas and nays being required thereon by Messrs. Walden and Jarboe, were as follows, viz.:

Those who voted in the affirmative were—

George P. Anderson	Dr. Wm. C. Mann	Clyde Smith
Robert E. Beatty	C. C. May	James D. Stacey
Sherman E. Carter	L. D. Moore	C. W. Taylor
Oris Cooper	Coy Nevitt	Egbert Taylor
M. A. Cornett	H. C. Patterson	C. R. Walden
Rev. W. W. Crouch	Paul Pelfrey	H. A. Ward
Dr. J. A. Duff	Dr. J. J. Rice	H. L. Waterfield
Joe B. Jarboe, Jr.	Dr. M. M. Robinson	—23

Those who voted in the negative were—

C. W. Anderson, Jr.	Crow Jarvis	Wade H. Riley
Rell Bevins	William L. Jones	Byron H. Royster
Douglas T. Bolling	W. A. Lamkin	Carl Scheben
Gus A. Brooks	H. W. Linville	Faust Y. Simpson
C. L. Clayton	A. L. Love	Otto Smither
T. Fowler Combs	William Lovett	Charles L. Spilman
John Henry Cox	Harry K. Lowman	R. C. Stephenson
Guthrie F. Crowe	Hugh D. Lyon	Thomas M. Swope
Pink G. Curd	H. McCartney	Roy L. Taylor
Forest C. Easley	Ed. Marcum	Rev. H. Tinsley
Harry W. Ennis	J. Milton Mefford	John L. Trumbo
John D. Fields	D. J. Moore	Erna E. Tyra
T. P. Fitzpatrick	E. R. Morlidge	S. J. Wagner
E. R. Hilton	B. W. Porter	Henry Ward
Clyde S. Howard	Kleber F. Price	E. Reed Wilson
Jerry F. Howell	James E. Quill	
Chas. O. Humston	L. Allen Rhoads	—49

Said bill was then read at length the first time and ordered to be placed on the Calendar.

By order of the Speaker, the privilege of the floor was extended to Messrs. James Burris and Charles Burris of Bourbon County.

The House took up for consideration from the Orders of the Day, a bill entitled:

H. B. 131. An Act authorizing the fiscal courts of any counties in this Commonwealth to maintain fire departments for the purpose of protecting the property outside municipalities where fire departments are now being maintained; to purchase equipment and to employ the necessary help and to provide for the payment of said equipment and help out of a general fund of the counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That the fiscal court of any county within this Commonwealth may maintain a fire department for the purpose of protecting the property of the county and citizens thereof who reside outside of any municipality wherein a fire department is being maintained.

2. If any county elects to operate a fire department the fiscal court may purchase whatever equipment is necessary for said purpose and is further authorized to lease or purchase any property or building necessary for the storing of equipment, and the person or persons in said fire department, or operating said equipment. The said fiscal court is authorized to employ a sufficient number of persons deemed necessary for the purpose of carrying out the provisions of this Act. If the fiscal court elects to operate a fire department then the court is authorized to fix salaries of the persons

employed and to pay said salaries in monthly payments out of the general fund of the county. The Budget Commission of any county electing to operate under this Act is authorized and directed to set out in said budget a sum sufficient to defray the expenses of said department.

Mr. Wilson moved the previous question.

Thereupon the Speaker announced "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length, being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken thereon in accordance with the provisions of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

George P. Anderson	T. P. Fitzpatrick	Hugh D. Lyon
Robert E. Beatty	W. W. Freeman	H. McCartney
Rell Bevins	Joseph J. Grace	Cary McDevitt
Douglas T. Bolling	Fuller Harding	Norris McPherson
Gus A. Brooks	E. R. Hilton	Dr. Wm. C. Mann
Sherman E. Carter	Clyde S. Howard	Ed. Marcum
T. Fowler Combs	Jerry F. Howell	C. C. May
M. A. Cornett	Chas. O. Humston	J. Milton Mefford
John Henry Cox	W. H. Hunt	Sam Milam
Rev. W. W. Crouch	Crow Jarvis	J. Lee Moore
Guthrie F. Crowe	William L. Jones	L. D. Moore
Pink G. Curd	W. A. Lamkin	C. E. Montgomery
Dr. J. A. Duff	A. L. Love	E. R. Morlidge
Harry W. Ennis	William Lovett	C. Sid Nabb
John D. Fields	Harry K. Lowman	Robert Nicholas

Paul Pelfrey	Leon J. Shaikun	Egbert Taylor
B. W. Porter	Faust Y. Simpson	Roy L. Taylor
Kleber F. Price	Clyde Smith	Erna E. Tyra
James E. Quill	Otto Smither	J. Wood Vance
L. Allen Rhoads	Charles L. Spilman	Harry Walters
Wade H. Riley	James D. Stacey	H. A. Ward
Dr. M. M. Robinson	J. Claude Stacy	Henry Ward
Dr. K. N. Salyer	R. C. Stephenson	H. L. Waterfield
Carl Scheben	C. W. Taylor	E. Reed Wilson

—72

Resolved that the title thereof be as aforesaid.

Mr. Wilson moved that the vote by which said bill was passed, be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The Committees to which the same had been previously refered, reported bills of the following titles, viz.:

By Mr. Lovett of the Committee on Compensation for Industrial Injuries to which the same had been recommitted, reported a bill entitled:

H. B. 18. An Act relating to Workmen's Compensation.

With the expression of opinion that said bill ought to pass.

Ordered that said bill be placed in the Orders of the Day.

By Mr. Bolling of the Committee on Oils and Minerals.

H. Res. 30. Resolution ratifying and approving interstate compact to conserve oil and gas.

By Mr. Shaikun of the Committee on Cities of First Class.

S. B. 33. An Act authorizing any city of the first class to adopt, alter and change a plan of arterial highways.

S. B. 51. An Act to provide for the creation of "Redevelopment Corporations."

S. B. 34. An Act relating to executive departments of cities of the first class.

S. B. 30. An Act placing in classified service under merit system certain offices, etc.

S. B. 50. An Act authorizing cities of first class to provide for off street parking.

By Mr. Wilson of the Committee on Cities of the Second Class.

H. B. 98. An Act relating to county patrols.

Without an expression of opinion.

By Mr. Ward of the Committee on Kentucky Statutes No. 1.

H. B. 13. An Act relating to the conduct of auction sales.

With a Committee amendment thereto.

Without expression of opinion.

S. B. 3. An Act relating to corporations, etc.

S. B. 8. An Act relating to transfer of prisoners.

With a Committee Amendment thereto.

S. B. 13. An Act relating to the issuance of stock certificates by corporations.

With the expression of opinion that said bills ought to pass with the exceptions of those specifically set forth above.

Said bills and resolution were each and severally read at length the first time and ordered to be placed on the Calendar.

Upon a call of the Counties and Legislative Districts, the following bills and resolutions were introduced, viz.:

By Mr. Barry.

H. B. 188. An Act concerning personal representatives and other fiduciaries of estates.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Upon application of the next of kin, creditor, or other person entitled by law to qualify or nominate another for appointment as administrator, administrator with will annexed, executor, guardian, curator, committee, trustee, assignee or receiver of any estate, or upon a showing of the facts if such appointment is necessary and there is no person entitled to make such application, the Court having jurisdiction thereof may at any time confide the administration of such estate to the public administrator and guardian of the county.

By Mr. Quill.

H. B. 189. An Act defining the term "peddlers" and "Itinerant Merchants"; classifying the trades, occupations and professions carried on by them; requiring a license to engage in business as "Peddlers" or "Itinerant Merchants"; fixing the amount of such licenses according to classifications; providing the manner in which said licenses may be obtained; the fees for issuing same and the distribution of the funds received for the issuance of said licenses; fixing penalties for the violation of the provisions of this Act;

declaring the provisions severable; and repealing all conflicting laws.

Said bill is as follows, viz.:

Be it enacetd by the General Assembly of the Commonwealth of Kentucky:

1. DEFINITION. Except as otherwise herein provided the word or words "peddler" or "itinerant merchant" shall mean any person who carries goods, wares and merchandise from place to place either within or without the limits of an incorporated city or town in person or by agent, on foot or by vehicle, and sells or offers or exposes for sale or delivery at retail or at wholesale, or who sells or offers for sale or delivery from any vehicle, booth, tent, roadside or temporary stand any goods, wares or merchandise at wholesale or retail.

2. CLASSIFICATION OF "PEDDLER" AND "ITINERANT MERCHANT". For the purpose of this Act, "peddler" and "itinerant merchant" are classified as follows: (a) Those who travel on foot while engaging in their respective trade, occupation or profession. (b) Those who sell or offer for sale their goods, wares or merchandise from any stationary vehicle, booth, tent, roadside or temporary stand. (c) Those who travel in or use vehicles while engaged in their trade, occupation or profession.

3. LICENSE REQUIRED. No "peddler" or "itinerant merchant" as defined by the provisions of this Act, shall sell or offer or expose for sale or deliver any article or commodity not excepted from the provisions of this Act after July 1, 1942 without first obtaining a license from the Clerk of the County Court and paying the required fee therefor as hereinafter set forth.

(a) For those of Class A as set forth in Section 2 hereof, $20.00. (b) For those of Class B as set forth in

Section 2 hereof, $30.00. (c) For those of Class C as set forth in Section 2 hereof, $50.00.

4. APPLICATION FOR LICENSE. Any person desiring to obtain a license as a "peddler" or "itinerant merchant" shall file an application therefor with the Clerk of the County Court of the county in which he desires to do business. The application shall state the name, residence and post office address of the applicant; the kind of business proposed to be conducted and the manner of conducting same; and the type of merchandise to be sold.

Upon filing of proper application and the payment of the proper fee, the Clerk shall issue a license which shall show the name and general description of the person to whom issued in conformity with the application; the license number, the date of expiration of the license, the county in which the license is issued, and the manner in which the business is to be carried on so as to definitely define the classification of the licensee as set forth in Section 2 hereof.

5. EXPIRATION OF LICENSE. All licenses to be issued under this Act shall expire on the 30th day of June following the date of issuance.

6. LICENSE TO BE DISPLAYED. The licensee shall prominently display his license at all times, when he is selling or offering for sale any goods, wares and merchandise, by posting it in a conspicuous place upon his pack or in or upon his vehicle, booth, tent, stand, or place of business.

7. SEPARATE LICENSE FOR EACH PERSON. No license issued hereunder shall confer authority upon more than one person to act under it. Every person doing business as a "peddler" or "itinerant merchant" either for himself or as the agent of another shall procure a separate license.

8. CLERK'S FEES. The Clerk, for filing application and issuing license under this Act, shall receive a fee of $1.00 for each license, to be paid out of the license fee.

9. ADMINISTRATION. The Administration of this Act shall be under the general supervision of the Department of Revenue which shall prepare and furnish to the County Court Clerks on or before July 1, 1942, a sufficient number of such forms as the Department may deem necessary to carry out the provisions hereof.

All fees collected under this Act shall be paid into the State Treasury through the Department of Revenue and credited to the General Expenditure Fund.

10. PENALTIES. Any "peddler" or "itinerant merchant", as defined herein, who shall peddle or sell or offer or expose for sale or deliver any goods, wares or merchandise after July 1, 1942, without at the time having procured and having then and there in his possession the license herein required, shall be guilty of a misdemeanor and upon conviction therefor shall be punished by a fine of not less than $20.00 nor more than $50.00 for each offense. Each day such business is carried on in violation of this Act shall constitute a separate offense.

11. APPLICATION OF ACT—EXCEPTIONS. This Act shall not be construed to apply to:

(a) Person selling or offering for sale, poultry, farm, garden or orchard products actually produced or grown by them on their own farms, gardens or orchards in this Commonwealth;

(b) Dairies or distributors of dairy products;

(c) Manufacturers or distributors of ice, frozen ices or ice cream;

(d) Oil companies or distributors of oil or gasoline products;

(e) Bottlers or distributors of beverages, both hard and soft;

(f) Bakers or distributors of bakers' products;

(g) Traveling salesmen taking orders for future delivery;

(h) Sales made for or in connection with any charitable, educational or religious purpose or organization;

(i) Persons selling manufactured tobacco products, properly stamped where stamps are required, received from a wholesaler, jobber or manufacturer in this State;

(j) Sales to retail merchants who maintain an established place of business in this Commonwealth, provided said goods, wares and merchandise are purchased by the retail merchant for resale to the public;

(k) Provided, no seller or distributor of any of the products named in subsections (b), (c), (e) and (f) of Section 11 hereof shall be excepted from the provisions and definitions of Section 1 hereof; unless said seller or distributor has a permanent established place of business in this Commonwealth.

12. PROVISIONS SEVERABLE. The provisions of this Act are severable. If any provision, section, or paragraph of this Act, or the application thereof to any person, shall be held to be invalid, such decision shall not effect or impair the remainder of the Act, it being hereby declared the legislative intent to license and tax separately each person contemplated by the provisions of this Act.

13. REPEAL. All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

By Mr. Quill.

H. B. 190. An Act to amend Sec. 3146 of Carroll's Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. Section 3146 of Carroll's Kentucky Statutes, 1936 edition, is amended as follows:

Each city of the second class shall have a police court, to be presided over by one judge, to be elected as provided

in section 3172. The judge shall receive for his services a salary to be fixed by the general council in a sum not less than three thousand dollars nor more than forty-eight hundred dollars per annum, and shall receive no other compensation except the fees allowed by law to judges for holding examining trials in felony cases. No person shall be eligible to the office of police judge who at the time of election is not twenty-five years of age and who has not been a resident of the city and a licensed practicing Attorney for four years.

2. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, section one of this Act shall stand repealed as of the effective date of the Kentucky Revised Statutes, and the following shall take effect in lieu thereof:

In cities of the second class the police court shall have one judge. He shall receive a salary fixed by ordinance at not more than $4800 nor less than $3000 per annum, and no other compensation except the fees allowed to judges for holding examining trials in felony cases. He shall have each year a vacation of one month. No person shall be eligible to be police judge unless at the time of his election he is at least twenty-five years of age and has been a resident of the city and a licensed practicing attorney for at least four years.

The provision so substituted by this section shall thereafter be treated as an amendment to KRS 26.150 rather than an amendment to § 3146 of Carroll's Statutes.

By Mr. Grace.

H. B. 191. An Act providing for the disposition of property where there is no sufficient evidence that persons have died otherwise than simultaneously, and to make uniform the law with reference thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. NO SUFFICIENT EVIDENCE OF SURVIVORSHIP. Where the title to property or the devolution thereof depends upon priority of death and there is no sufficient evidence that the persons have died otherwise than simultaneously, the property of each person shall be disposed of as if he had survived, except as provided otherwise in this act.

Section 2. BENEFICIARIES OF ANOTHER PERSON'S DISPOSITION OF PROPERTY. Where two or more beneficiaries are designated to take successively by reason of survivorship under another person's disposition of property and there is no sufficient evidence that these beneficiaries have died otherwise than simultaneously the property thus disposed of shall be divided into as many equal portions as there are successive beneficiaries and these portions shall be distributed respectively to those who would have taken in the event that each designated beneficiary had survived.

Section 3. JOINT TENANTS OR TENANTS BY THE ENTIRETY. Where there is no sufficient evidence that two joint tenants or tenants by the entirety have died otherwise than simultaneously the property so held shall be distributed one-half as if one had survived and one-half as if the other had survived. If there are more than two joint tenants and all of them have so died the property thus distributed shall be in the proportion that one bears to the whole number of joint tenants.

Section 4. INSURANCE POLICIES. Where the insured and the beneficiary in a policy of life or accident insurance have died and there is not sufficient evidence that they have died otherwise than simultaneously the proceeds of the policy shall be distributed as if the insured had survived the beneficiary.

Section 5. ACT NOT RETROACTIVE. This act shall not apply to the distribution of the property of a person who has died before it takes effect.

Section 6. ACT DOES NOT APPLY IF DECEDENT PROVIDES OTHERWISE. This act shall not apply in the case of wills, living trusts, deeds, or contracts of insurance wherein provision has been made for distribution of property different from the provisions of this Act.

Section 7. UNIFORMITY OF INTERPRETATION. This act shall be so construed and interpreted as to effectuate its general purpose to make uniform the law in those states which enact it.

Section 8. SHORT TITLE. This act may be cited as the Uniform Simultaneous Death Act.

Section 9. REPEAL. All laws or parts of laws inconsistent with the provisions of this act are hereby repealed.

Section 10. SEVERABILITY. If any of the provisions of this act or the application thereof to any persons or circumstances is held invalid such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

By Mr. Grace.

H. B. 192. An Act for the judicial notice of the laws of other jurisdictions and for proof thereof and to make uniform the law with reference thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. JUDICIAL NOTICE. Every court of this state shall take judicial notice of the common law and statutes of every state, territory and other jurisdiction of the United States.

Section 2. INFORMATION OF THE COURT. The court may inform itself of such laws in such manner as it may

deem proper, and the court may call upon counsel to aid it in obtaining such information.

Section 3. RULING REVIEWABLE. The determination of such laws shall be made by the court and not by the jury, and shall be reviewable.

Section 4. EVIDENCE AS TO LAWS OF OTHER JURISDICTIONS. Any party may also present to the trial court any admissible evidence of such laws, but, to enable a party to offer evidence of the law in another jurisdiction or to ask that judicial notice be taken thereof, reasonable notice shall be given to the adverse parties either in the pleadings or otherwise.

Section 5. FOREIGN COUNTRY. The law of a jurisdiction other than those referred to in Section 1 shall be an issue for the court, but shall not be subject to the foregoing provisions concerning judicial notice.

Section 6. INTERPRETATION. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 7. SHORT TITLE. This act may be cited as the Uniform Judicial Notice of Foreign Law Act.

Section 8. REPEAL. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, to the extent of such conflict.

By Mr. Lamkin.

H. B. 193. An Act fixing limitations on revocations, countermands of payments and stop payment orders relating to the payment of checks or drafts against bank accounts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. No revocation, countermand or stop-payment order relating to the payment of any check or draft

against an account of a depositor in any bank or trust company doing business in this state shall remain in effect for more than six months after the service thereof on the bank, unless the same be renewed, which renewals shall be in writing and which renewals shall be in effect for not more than six months from date of service thereof on the bank or trust company, but such renewals may be made from time to time.

Section 2. No notice affecting a check upon which revocation, countermand or stop-payment order has been made at the time of the taking effect of this act shall be deemed to continue for a period of more than six months thereafter.

By Mr. Swope.

H. B. 194. An Act relating to the Department of Highways.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Department of Highways shall pay its employes working on the roads of this state the prevailing wages paid employes on other public works in the vicinity in which the work is done.

By Mr. Wagner.

H. B. 195. An Act relating to the annexation or reduction of territory by cities of the second, third, fourth, fifth or sixth classes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. Whenever it is deemed desirable to annex any territory to any city of the second, third, fourth, fifth or sixth class or to reduce the boundaries thereof, the legisla-

tive body thereof may enact an ordinance defining the boundary of the territory proposed to be annexed or stricken off, and such ordinance shall thereupon be published in at least five issues of a daily paper published in such city; or if there be no daily paper, then in at least two issues of a weekly paper published in the city; or if there be no daily or weekly paper published in such city, then by posting copies of the ordinance for at least ten (10) days in four public places in the territory to be annexed or stricken off. In not less than thirty days after the enactment of such ordinance, if the publication or notice, as herein provided, has been made or given, and no petition is filed in the circuit court as provided in the next section, the legislative body of the city may, by ordinance, annex to the city the territory described in the ordinance hereinbefore mentioned, or reduce the limits, as the case may be; and upon the enactment of such ordinance, such territory shall become a part of the city, or shall be stricken therefrom.

Section 2. Within thirty days after the enactment of an ordinance proposing to annex territory to the city or reduce the limits thereof, twenty-five percent (25%) of the resident freeholders of the territory proposed to be annexed or stricken off may file a petition in the circuit court of the county, setting forth the reasons why such territory or any part thereof should not be annexed, or why the limits should not be reduced. Summons shall be issued thereon, and be executed on the chief executive officer of the city as in other cases, and the answer of the city shall be filed within twenty days after the service of the summons. The case shall be tried as an equity case and without the intervention of a jury. If the court is satisfied, upon the hearing, that less than seventy-five percent of the resident freeholders of the territory to be annexed or stricken off have remonstrated, and that the adding or striking off of such territory to the city will be for the interest of the city and will cause no material injury to the owners of real estate in the territory

sought to be annexed or stricken off, it shall so find and the annexation or reduction shall be approved. If the court is satisfied that seventy-five percent (75%) or more of the resident freeholders of the territory sought to be annexed or stricken off have remonstrated and that said change will cause material injury to the owners of real esate in the limits of the proposed extension or reduction, then the annexation or reduction shall not take place, unless the court shall find from the evidence that a failure to annex or strike off will materially retard the prosperity of such city. In case the court shall so find, the annexation or reduction shall take place notwithstanding the remonstrance. An appeal from the judgment of the court may be taken, as in other cases, but there shall be no change of venue from the county. Costs shall follow the judgment. If the judgment of the court is adverse to annexation or reduction no further effort to annex or strike off such territory shall be made within two years after the rendition of the judgment. But any judgment rendered adverse to annexation, under any previous law, shall not be a bar to proceedings to annex under this Act regardless of the time it was rendered. When any unincorporated territory is proposed to be annexed to any city under the provisions of this Act, the court may find and decree that all or a part or parts of such territory shall be added to the city, in which event the court shall specifically indicate and prescribe by metes and bounds, or other clear and specified description, the territory which the court finds should be so annexed, and that part only shall be annexed.

Section 3. The judgment shall, when entered, be certified to the legislative body of the city, who may thereupon annex to or strike from such city the territory described in the judgment, and the territory shall become or cease to become, as the case may be, a part of the city.

Section 4. In accordance with the provisions of this Act a city may annex the territory of a smaller city, but the annexation of the territory of a smaller city may be done only

by ordinances devoted solely thereto, which ordinances must define the boundaries of that territory of the smaller city which is sought to be annexed, and must name such of the debts and liabilities, and the corporate property, franchises, and rights of the smaller city, as will become by the annexation the liability or the property of the annexing city. The city annexing the territory of another shall be bound for all such debts and liabilities, and shall be the owner of all such corporate property, franchises and rights of the city annexed. But if only a portion of the territory of a city is annexed, the amount of the existing debts and liabilities which the annexing city shall be bound for shall be in proportion as the value of the property annexed bears to the value of all the property of the city from which the territory is taken, as shown by the last preceding assessment of the assessor of such city.

Section 5. Sections 3050, 3050a, 3050a-1, 3050b, 3051, 3053, 3287, 3483, 3611, 3612, 3613, 3614, 3664, 3665, 3666 and 3667, Carroll's Kentucky Statutes, 1936 edition, are hereby repealed.

Section 6. If the Kentucky Revised Statutes are enacted at the present session of the General Assembly, this Act shall be treated as repealing KRS 81.140 to 81.170, and 81.190 to 81.260, regardless of the date of enactment or taking effect of the Kentucky Revised Statutes.

By Mr. Jarvis.

H. Res. 33. A JOINT RESOLUTION authorizing E. M. Addington, Island, McLean County Kentucky, to sue the Commonwealth of Kentucky:

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That E. M. Addington, Island, McLean County, Kentucky, is authorized to sue the Commonwealth of Kentucky

in McLean Circuit Court for damages resulting from property damage caused by alleged negligence on the part of an employee of the Commonwealth of Kentucky while said employee was in the line of duty as an employee of this Commonwealth.

Said suit shall be for a sum not in excess of $900.00.

The Attorney General of the Commonwealth of Kentucky may investigate the claim against the Commonwealth herein and settle said claim before or after suit is filed, if he deems it advisable. Any amount recovered in said suit or by settlement with the Attorney General shall be paid out of the General Fund upon warrant drawn by the Commissioner of Finance upon the State Treasurer.

In the event suit is filed and judgment rendered by the Circuit Court, either party may appeal to the Court of Appeals of Kentucky.

No statement in this resolution shall be considered by either the Court or jury as an admission of negligence upon the part of the Commonwealth and this resolution shall not be introduced as evidence, nor commented upon by counsel in argument to the jury.

Ordered that said bills and resolution be printed and referred.

The Speaker announced that he had referred bills and resolutions heretofore introduced, as follows, viz.:

H. B. 170. To Committee on Education No. 1.

H. B. 171. To Committee on Fish and Game No. 1.

H. B. 172. To Committee on Education No. 1.

H. B. 173. To Committee on Education No. 1.

H. B. 174. To Committee on Motor Transportation.

H. B. 175. To Committee on Kentucky Statutes No. 1.

H. B. 176. To Committee on Library and Historical Records.

H. B. 177. To Committee on Kentucky Statutes No. 1.

H. B. 178. To Committee on Trade and Commerce.

H. B. 179. To Committee on Public Health No. 1

H. B. 180. To Committee on Trade and Commerce.

H. B. 181. To Committee on Trade and Commerce.

H. B. 182. To Committee on Appropriations No. 1.

H. B. 183. To Committee on Constitutional Amendments.

H. B. 184. To Committee on Kentucky Statutes No. 1.

H. B. 185. To Committee on Banks and Banking.

H. B. 186. To Committee on Education No. 1.

H. B. 187. To Committee on Education No. 1.

H. Res. 32. To Committee on Appropriations No. 1.

Mr. Ward moved that the House do now adjourn.

Said motion was agreed to.

And then the House adjourned.